

Town of Albany, New Hampshire
Planning Board Monthly Meeting Minutes - Approved
Monday, January 13, 2014 7:00 P.M.

Next Meeting Work Session - Monday, January 27, 2014 7:00 P.M.

The Planning Board Meeting was held at the Albany Town Hall.

Present: Chairperson Josephine Howland, Vice Chairperson Mike Helmers; Tara Taylor, Adrian Simons, Peter Carbone, Alternate; David Maudsley, Technical Advisor; Selectmen Representative Jack Rose, Joe Ferris, Alternate; Theresa Ann Gallagher, Recording Secretary

Absent: Matt Parker, Alternate

Chairperson Josephine Howland called the Planning Board Meeting to order at 7:00 P.M.

Approval of the Agenda: Chairperson Josephine Howland asked for a motion to approve the proposed agenda for the January 13, 2014 meeting; Selectmen Representative Jack Rose made a motion to accept the agenda as submitted; seconded by Vice Chairperson Mike Helmers. Chairperson Josephine Howland asked if there were any addition or changes; there were none. Chairperson Josephine Howland asked all those in favor of accepting the agenda as proposed signify it by saying "Aye". All were in favor. None opposed.

Approval of the Minutes: Chairperson Josephine Howland asked for a motion to accept the minutes from the December 9, 2013 Planning Board Meeting; Selectmen Representative Jack Rose made a motion to accept the minutes from December 9, 2013 meeting; seconded by Tara Taylor. Chairperson Josephine Howland asked if there are any errors or omissions. Page 6, 4th paragraph, spelling error in the part in italics. Chairperson Josephine Howland suggested if anyone sees spelling errors; please send a message to Theresa. Chairperson Josephine Howland asked all those in favor of accepting the minutes as amended say "aye". All were in favor. None opposed.

Chairperson Josephine Howland commented that she read in the Conway Daily Sun that the Board of Selectmen discussed the Noise Ordinance at their meeting. Selectmen Representative Jack Rose said yes they did discuss it, but he did not receive the latest version of the Noise Ordinance. Mike Helmers said he did not have time to work on the ordinance, but he did consult with the Attorney at NHMA. He commented that it is one of the most difficult ordinances to enforce. If the Planning Board were to take it on, the 21st of this month would have to be the first Public Hearing, and the final paperwork would have to be before the Board of Selectmen by the 24th. He suggested the Board of Selectmen work on this ordinance in order to avoid a public hearing. This ordinance would not resolve the case of the person shooting into a trailer in the middle of the night. Nevertheless it would have some benefits because it would act as a deterrent, and it could be used effectively by the Planning Board. Selectmen Representative Jack Rose said it should then be handed over to the Board of Selectmen. All agreed. Mike Helmers agreed to send the latest version of the ordinance to Selectmen Representative Jack Rose.

The Budget was discussed; Theresa Gallagher had a copy of the 2013 budget and sent it to everyone. Chairperson Josephine Howland said she talked to Kathy Vizard and the expenses for this past year

have not been finalized. However Kathy Vizard told Josephine Howland that the Planning Board would be charged for the meeting with the Attorney, Walter Mitchell. Chairperson Josephine Howland commented that the Planning Board should not be charged because they called a meeting with him due to the missteps from the Board of Selectmen's and Town Administrator's office. Selectmen Representative Jack Rose suggested that the meeting could have been handled by phone; the Planning Board responded that it was a non-meeting and everyone had to be there; it could not have been done by phone. There were too many people that needed to be heard. Selectmen Representative Jack Rose said he will present this to the Board of Selectmen and see if they agree. The total for legal expenses for 2013 is not finalized; the budget has \$2,500 for 2013.

Chairperson Josephine Howland noted that the advertising seems low; Theresa Gallagher reported that over \$200 was spent on mailings for the public hearings; she doesn't know the total for advertising because she doesn't see the bill from the Conway Daily Sun. Chairperson Josephine Howland suggested increasing advertising to \$300; all agreed.

No one attended any training in 2013; Chairperson Josephine Howland suggested leaving it as is.

Operating Expenses did not include a fireproof file cabinet; the Planning Board needs to have one. Vice Chairperson Mike Helmers also suggested having all the Planning Board's records digitalized. Joe Ferris commented that it will be very expensive. Adrian Simons made a motion to have Theresa Gallagher get a couple of quotes from digital companies to bring the Planning Board up to date with records, making sure all plot plans, etc. are filed electronically; and also to get a couple of quotes on fireproof filing cabinets; seconded by Tara Taylor. All were in favor. David Maudsley said he made a suggestion to the Planning Board a couple of years ago to adopt a regulation for applications that the applicants submit them to the Planning Board in digital form; the applications should also be put on the Albany website.

Chairperson Josephine Howland made a motion to update application regulations, requiring applicants to submit them in digital form, and having all submitted applications and also the application templates available on Albany's website for easy access and review for Albany's residents; seconded by Adrian Simons. All were in favor.

Manuals and resources are listed as an expense in the budget. Chairperson Josephine Howland made a suggestion to purchase three NH RSA books, which come with the CD. David Maudsley suggested going through the North Country Council, because they can get them at a reduced rate. Theresa Gallagher will check with Kathy Vizard to see who orders them, and will follow up, reminding her to order from North Country Council.

The Meeting Attendance expense needs to be increased, due to everyone receiving \$35 per meeting. The Planning Board thanked David Maudsley for staying on board. He suggested that the Planning Board stay focused and stay with a time table to make sure they have a plan. Chairperson Josephine Howland listed the following: the Master Plan, the definition of "Structure" and the applications have to be addressed this year. Vice Chairperson Mike Helmers suggested working on the Protection of Water and Water Resources. David Maudsley said in the late '90's Madison adopted a Ground Water Protection Ordinance; the way the Aquifer flows makes Albany very critical. David Maudsley offered to give a brief summary of the ordinance at a future meeting. Vice Chairperson Mike Helmers also mentioned that the Town needs to have a basic understanding of what is going on with the oil spill plumes. David Maudsley's presentation will be at the February 10th meeting. Vice Chairperson Mike

Helmets suggested having the Conservation Commission attend the presentation. Chairperson Josephine Howland will extend the invitation.

When the budget is finalized, it will be presented to the Board of Selectmen as a recommendation.

Selectmen Representative Jack Rose reported that the Board of Selectmen discussed the noise ordinance, and agreed to handle it. Nothing else coming up was discussed. The Board of Selectmen's next meeting is the last Wednesday of the month, the 29th of January. The Budget needs to be finalized by then.

Adrian Simons noticed that a huge tent was put on the Lundblad's property. Setbacks were discussed. This is another example of why the "structure" definition needs to be worked on. There's another tent that was put up in another section of the Town on Bald Hill Road. Peter Carboni suggested having something in writing before he goes before a resident to question them about their structure. He will discuss with the Board of Selectmen a way to improve this process. He suggested developing a prequalified questionnaire, coming from the Board of Selectmen, to send to residents when a problem like this comes up; they will have so many days in which to respond. If they don't respond then Peter Carboni will approach them.

Selectmen Representative Jack Rose reported that Alan and Leah Valladares obtained a driveway permit from the NH DOT to modify the existing driveway; they will need to close off the other one. Town Administrator, Kathy Vizard, has been calling Dave Sylvia about Alan Valladares' permit and she discussed Copper Tops; she should not be calling him. The permit states they are closing off the other driveway. Tara Taylor reported that Alan Valladares does not have a driveway permit; they only have Kelly Drive.

Also, Todd Provencher needs to get a new driveway permit because he is making a change in use. He is going before the ZBA and he should be notified that he will need to get a new driveway permit. Adrian Simons made a motion to have a notice sent to Todd Provencher informing him of this decision; seconded by Vice Chairperson Mike Helmets. All were in favor.

David Maudsley brought up the fact that the ZBA has a 5 day notice to get the meeting together, but arranging for Todd Provencher to go before the ZBA has been going on for weeks; the Planning Board explained that if Todd had gone before the ZBA the first time he was told to, back in October, he would have had this settled long ago. Chairperson Josephine Howland reported that the meeting is now set for January 28th due to Chairperson Andy Davis being away, but Kathy Vizard is still asking questions (this week) about the ZBA meeting, and she said Todd Provencher's Service Station application is for a home business. Chairperson Josephine Howland explained again that he is applying for a change in use; it does not meet the requirements of a home business or a home occupation; he is going before the ZBA for the setback requirements for a commercial business. Vice Chairperson Mike Helmets commented that Todd applied for a Service Station, and the Ordinance clearly states that it is a commercial business. It is clearly stated on the Notice of Decision by the Planning Board that was given to Kathy Vizard. It is not a Home Occupation. She insists that it is a Home Business and that is causing the delay. If Kathy Vizard had set up a meeting on December 10th the delay would not be a problem.

Chairperson Josephine Howland brought up in discussion the Waldorf School Boundary Line Adjustment discussed by the Waldorf School. Leah Valladares asked if the piece of property is commercial or residential. Chairperson Josephine Howland said she contacted Kathy Vizard and Kathy

told her it is residential. Alan Valladares had a question about that piece of property listed as having an address on Kelly Drive. Kelly Drive is a private way, so no other property should have an address on Kelly Drive. Chairperson Josephine Howland asked Kathy Vizard about it, and she had no idea why that was. Kathy Vizard needs to call the assessors to find out why that property has an address listed on Kelly Drive. It should be coming from her as the Tax Collector. The property should be on the Waldorf School Driveway or else it would be considered landlocked. Theresa Gallagher will contact Leah Valadares to let her know the property in question is a residential property, and also that she should contact Kathy Vizard about the address issue. If she wants to pursue the issues any further she should contact Kathy Vizard and Kathy will contact the Assessors.

Tara Taylor commented that if a resident abuts a right of way the Title of the property should note the right of way access for the property owner.

Peter Carboni reported that Tin Mountain has their deck on, but work has been stalled due to the weather. It looks very good.

Adrian Simons asked about the property being worked on by Suzanne Brown. She was supposed to do some farming but nothing happened, and then she started a building but nothing happened. The Planning Board agreed that she has a driveway permit but she has not done any driveway improvements. Peter Carboni reported that she was told that she cannot do any business out of there until the driveway is completed as the driveway permit shows. She said she cannot have the work done at this time.

Correspondence was received from the Tamworth Economic Development Commission to invite the Planning Board to attend a meeting regarding Tax Increment Financing districts. Jac Cuddy is presenting. Board of Selectmen Representative Jack Rose said that Rob Nadler will be attending.

Ordinance Changes for the March 2014 Town Meeting were discussed; building heights and commercial setbacks ordinance changes will be submitted to the Town Administrator by the beginning of February.

Tara Taylor reported that the Master Plan editing is almost complete and she will pass it on to Theresa Gallagher when she is finished. Theresa will update it and forward it to Tara Bamford to review. Theresa Gallagher will contact Tara Bamford to see if she charges a fee to review the Master Plan.

Selectmen Representative Jack Rose suggested looking at the commercial Site Plan Review application as it relates to landscaping and all other requirements. Chairperson Josephine Howland commented that the Planning Board also needs to review the definition of "structure" and the "New England look". These will be included in the application regulation changes.

Chairperson Josephine Howland asked Selectmen Representative Jack Rose to ask Kathy Vizard for a list of exactly what the Planning Board spent in 2013, and he said he will.

Theresa Gallagher will contact Andy Davis to let him know that Todd Provencher will need a new driveway permit for his commercial business. David Maudsley suggested to the Planning Board that someone should ask the question to Todd Provencher if he can put his garage somewhere on the property where it does meet the setbacks; if he cannot, then there are no grounds to approve anything. His plot plan does not show that the garage will be moved.

Tara Taylor reported that Coleman was awarded the project on the Kancamagus Highway; they are skipping the bad section and they are going to the next section on the other side of Bear Notch Road. The other project coming up is funded with Federal Money. They are going to resurface from Route 28 in Ossipee to Conway.

Time Table for 2014:

January 27, 2014 – Work Session – The Planning Board will work on the definition of a “structure”. Everyone has copies of the definition from other towns.

February 10th Meeting – David Maudsley will give his presentation on Water Resources first, so that if someone comes to the Planning Board with applications or public comment, the Conservation Commission will not have to sit through the comments/consultations. David Maudsley suggested that if there are applications coming before the Planning Board, then the Conservation Commission can be notified to attend at a later time.

March 10, 2014 – The Planning Board will decide if they are going to work on an ordinance to address water resources in the Town.

March 17, 2014 - Electronic Applications Ordinance – Theresa will e-mail everyone a copy of the applications she has on her computer. David Maudsley suggested having residents submit electronic versions of their applications with the plot plan being 11” by 17”, which also should be submitted to the abutters. Theresa Gallagher will have to get e-mails from the abutters. The Planning Board will work on the Site Plan Review regulations to make this change.

April 28, 2014 - The Master Plan will need to go before the residents of Albany at a Public Hearing.

June 9, 2014 – 2 Presentations: 1) David Maudsley will review the changes he suggested for the Albany Ordinances during his presentations over the past couple of years. The Planning Board will set the goals for the ordinance changes to be made. 2) The Code Enforcement Officer will present to the Planning Board the issues he is facing in the Town of Albany. Vice Chairperson Mike Helmers offered to record both presentations; no objections to this procedure were made.

July/August – The Planning Board should start to discuss other ordinance changes they plan to introduce in 2015.

Vice Chairperson Mike Helmers suggested having each Board member take on one of the topics to be discussed at future meetings and come prepared to share the information they found. Tara Taylor suggested discussing the landscaping for the Site Plan Review, to be spelled out on the Site Plan Review application regulations.

Adjournment: Chairperson Josephine Howland asked for a motion to adjourn the meeting at 8:38 P.M. A motion was made by Vice Chairperson Mike Helmers to adjourn the Planning Board Meeting at 8:38 P.M.; seconded by Selectman Representative Jack Rose. Passed unanimously.

Respectfully submitted,

Theresa Ann Gallagher, Recording Secretary