

Town of Albany, New Hampshire  
Planning Board Monthly Meeting - Approved  
Monday, November 10, 2014 7:00 P.M.

These minutes were prepared by the recording secretary as a reasonable summary of the essential content of the meeting, not as a transcription. These minutes have not yet been approved by the members of the Planning Board and should be read at your own risk for misinterpretation.

Next Monthly Meeting Monday, December 8, 2014 7:00 P.M.

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

Present: Acting Chairperson Peter Carboni, Tara Taylor, Adrian Simons, Joe Ferris, Leah Valladares, Alternate; Rick Hiland, Alternate; Kathy Ryan, Alternate; Selectmen Representative Rob Nadler, David Maudsley, Technical Advisor; Theresa Ann Gallagher, Recording Secretary

Absent: None.

Also Attending: Mike Helmers, Steve Knox, Burr Phillips, Civil Solutions Kelly Robitaille, Jack Rose, Cort Hansen, June Johnson, Lee Grant

Acting Chairperson Peter Carboni called the Planning Board Meeting to order at 7:00 P.M.

Acting chairperson Peter Carboni assigned Leah Valladares as a voting member of the Planning Board for this meeting.

Peter announced that Josephine Howland resigned from the Planning Board. **Tara Taylor made a motion to write a letter to her to say that the Planning Board acknowledges her resignation and thanks her for her years of service, wishing her well, and copy the Board of Selectmen. Seconded by Adrian Simons. All in favor.**

Approval of the Agenda: *Tara Taylor made a motion to approve the proposed agenda for November 10, 2014 Monthly Meeting; Rob Nadler seconded; Peter asked if there was any discussion. David Maudsley asked to add 5 minutes for a presentation on House Bill 1210. It was added under Public Comment #13. Peter asked all those in favor of approving the agenda as amended signify it by saying "aye". All in favor.*

Acting Chairperson Peter Carboni reminded the Planning Board that they are still looking for a Chairperson and a vice Chairperson, but not to make a quick decision.

Approval of the Minutes: *Tara Taylor made a motion to approve the minutes from the October 27, 2014 Work Session; seconded by Adrian Simons. Discussion included two slight changes. Acting Chairperson Peter Carboni asked all in favor of approving the Amended minutes signify it by saying "aye". All in favor.*

Public Comment: None.

Ordinance Changes: Rob Nadler commented on accessory apartments; it would be helpful for Albany to allow accessory apartments; clarify dual use of commercial and residential properties. Rob suggested that Theresa Gallagher ask Tara Bamford for sample ordinances on accessory apartments. Discussion continued on the affect of accessory apartments on the appraisal of the property. Home Business, Home Occupancy, Commercial Business rules have to be looked into; they are vague. Burr Phillips suggested looking at Jackson's accessory apartment ordinances. The impact fees should be considered regarding infrastructure and fire department fees. To be discusse3d at a future work session. Theresa and Peter will look for other Towns' ordinances as samples.

Theresa sent a letter to Matt Parker and has not heard from him; he resigned from the Planning Board.

Theresa obtained Tara Schroeder's deed, stating there is a right of way, and sent copies to everyone. The Planning Board discussed the access to the property regarding RSA 674.41; there is no driveway on the right of way. It could be used as another access on the property. Tara Taylor read parts of the deed in reference. The Planning Board asked Theresa to send an e-mail to Tara Schroeder telling her that she needs to have a 50 feet width for the right of way/driveway to access the property, or according to Town ordinances she needs 200 foot frontage on a road that meets Town road specs. She should review the land subdivision regulations that describe the requirements and the road standards, both of which are on the Albany website.

Theresa sent an e-mail to Suzanne Brown to ask for the status of her agriculture farm with the small market stand on route 16. She has not received an answer. The Planning Board suggested she write a letter to Suzanne at the NH Institute of Agriculture and Forestry, of which she is the founder.

Leah Valladares discussed the update on the drainage and other recommendations from HEB for the project on her property. They discussed the remaining items to be addressed, according to the last report from Burr Phillips which included the list of items. The surveyor has to add some of the items to the Plot Plan. Revised Plans have to be presented to Burr Phillips and the Planning Board will wait to hear from him before making the final Notice of Decision. If there is a problem with the dry wells not being large enough in the future, the Valladares' will be responsible to fix the problem. It will be stated as such in the final notice of decision. Burr Phillips reviewed the list in his report. It was noted that Leah Valladares should have recused herself from the Planning Board for this discussion.

Board of Selectmen's Report: Rob Nadler spoke about meeting with the Conway Fire District Chief to negotiate lower rates for Albany; the rates are going up by 24%. The road standards are being updated and have been written by the Road Agent. The Board of Selectmen have to adopt the changes in the road standards, which are used for all roads. Once the Board of Selectmen adopts the road standards, the Planning Board should adopt them, too. Burr Phillips will also review the new standards. Theresa will download the road standards from Albany's website and e-mail them to everyone.

Conservation Commission: No meeting this month. Rob Nadler reported that a new District Ranger has been hired and they will meet with him in January. The Forest Service will take the lead on burning the fields next year.

David Maudsley reviewed and explained House Bill 1210. It changes the way residents are notified about zoning changes. The Department of Revenue Administration was involved. The law is confusing: if the district has less than 100 properties everyone has to be notified by first class mail. But in that zoning district nothing may change that affects them directly. However, if there are more than

100 properties and their properties will be affected, you do not have to notify them because of the higher number of properties. It's any zoning district that this law applies to, regarding zoning boundary changes and zoning usage changes. The State dictates that all properties on Route 16 are commercial. Any resident can request these notices by e-mail or by first class mail.

Theresa always forwards e-mail communications to the Planning Board members either by e-mail or by regular mail.

Two new Planning Board members were appointed by the Board of Selectmen, Cathy Ryan and Rick Hiland. Theresa will create a cheat sheet for the meetings. Theresa gave them the Rules of Procedure adopted by the Albany Planning Board.

Discussion continued on some of the e-mails sent to and from David. A job description for David Maudsley was discussed. David met with Steve Know years ago and they agreed that his duties are to show up at all the Planning Board monthly meetings and review all applications and comment to assist the Planning Board in making decisions, to review all the regulations and make presentations on confusions, alterations and suggestions, and to keep the Planning board updated on changes in state regulations. Steve Know mentioned that David would review Albany's regulations and the changes to state regulations and he would make suggestions to keep Albany's regulations current. David gets a flat fee of \$1,000 per year, which doesn't include the time he spent on digitizing the records. The job description on hand is for the Administrative Assistant from 2003. Peter found that some towns use the Consultant to work for both boards to make sure both are following proper procedures. David Maudsley is not a Consultant, he is a Technical Advisor. Discussion continued on his scope of services and the Planning Board's needs. At a work session the Planning Board should decide what technical advice they want from David Maudsley. **Leah Valladares made a motion that the Planning Board come up with a scope of services that they would like to see from a hired consultant; seconded by Rob Nadler. No further discussion. All in favor.** This will be a workshop agenda.

The two presentations from David explained the issues of improper procedures followed by the Town of Albany regarding the signing of a zoning petition along with suggestions as to how to avoid it in the future. The Board of Selectmen received the petition and handed it to the Town Attorney. The petition was posted at the Town Hall.

The second presentation was regarding the hazards of the internet; digitizing records are on the internet with everyone having access to them can be a hazard. If there is an error is out there it is out there forever. An issue regarding the Board of Selectmen undermining the decision of the Planning Board was discussed. A suggestion was made to have the Chairman of the Planning Board in communication with the Board of Selectmen. Another suggestion was made to have a representative from the Planning Board come to the Board of Selectmen meeting. Burr Phillips said he works with towns that have no advisor and the residents are frustrated with the way things are done, due to not having an advisor. It makes sense to have an advisor.

If the Planning Board is going to discuss in December what is going to be posted on the internet, they should adopt procedures to make sure it is as accurate as possible; even more important is to make sure it is true. If there is a problem the Planning Board needs to develop a procedure to be able to correct errors subsequent to posting things on the internet. The Town of Albany has not adopted any procedures to address this issue.

Tara Taylor had two comments: first the lights in the parking lot at the Town Hall are on all day and all night when they are supposed to go out at certain times. The people who have to park out on the road have no lighting; The Board of Selectmen need to address the lighting issue.

Second, she as a Planning Board member wants to apologize to Burr Phillips over someone saying that he is not doing his job right and he has a grudge from 10 years ago. If someone has a complaint about Burr Phillips not doing his job, then they need to go to the Board of engineers, and they will see that there is not a problem

Adjournment: Acting Chairperson Peter Carboni asked for a motion to adjourn the Planning Board Monthly Meeting at 8:50 P.M. A motion was made by Tara Taylor; seconded by Adrian Simons. Passed unanimously.

Respectfully submitted,

*Theresa Ann Gallagher*

Recording Secretary