

Town of Albany, New Hampshire
Planning Board Public Hearing for the Master Plan - DRAFT
Monday, September 22, 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, October 15, 2014 7:00 P.M.

The Planning Board Public Hearing was held at the Albany Town Hall.

Present: Acting Chairperson/Vice Chairperson Josephine Howland, Adrian Simons, Peter Carboni, Joe Ferris, Alternate; Selectmen Representative Rob Nadler, Theresa Ann Gallagher, Recording Secretary; Ed Alkalay, Moderator

Absent: Tara Taylor, David Maudsley, Technical Advisor; Matt Parker, Alternate

Also Attending: Rick Hiland, Steve Knox, Sara Young Knox, Leroy Grant, June Johnson, Dorothy Solomon, Stan Solomon, Kelly Robitaille, Scott Whigham, Leah Valladares, Vito Helmans, Dexter Schaffner, Karen Hood, Roame Hood, Colleen Cormack

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

Moderator Ed Alkalay commented that everyone should have read the Master Plan which has been available for two weeks; also, extra copies of the 2010 Survey were available at this meeting. Ed asked the Planning Board to introduce themselves to everyone. Acting Chairperson Josephine Howland announced that Joe Ferris would be a voting member at this meeting in the absence of Tara Taylor.

Josephine Howland gave an overview of the Master Plan and the history of its creation, commenting that the world has changed and the Master Plan needed to be updated accordingly; ordinance changes have to be made as well. She explained how the survey was done in 2010, which would be used for the Master Plan. Permanent residents and part-time residents were given the survey to complete, so that everyone had the opportunity to express their ideas. In the survey responses, the residents expressed a community goal for a rural town with open space and woodlands. 84% of the respondents said they would consider zoning changes to keep that rural character. 75% want peace and quiet. 71% want to see home businesses to grow. Josephine reminded everyone that all zoning changes have to go before the residents for a vote before being passed. She asked for comments regarding the Master Plan from the town residents attending the meeting.

Steve Knox spoke up to clarify what the Master Plan is; it's a blueprint of where the community would like to go. It's an outline and a map, showing what the community would like the Planning Board to consider.

Leah Valladares spoke of the 85% land being in the White Mountains National Forest, leaving 15% of the land occupied by Albany residents. Albany does not have a commercial zone, but does have a residential/commercial zone, which can be “residential” or “commercial”; the two are assessed differently. 79% of the 15% are occupied by 700+ people who live in the town. So, if 7% is along route 16 and is commercial, there is nothing in the Master Plan that addresses outside businesses, other than home businesses. There is nothing in the Master Plan that would promote the bigger lots along Route 16. One question she asked, is it because the survey wasn't given to the people along Route 16 who are business people? The other question is regarding the excavation section in the Master Plan, which she quoted, stating that there are no excavation ordinances in Albany; according to her understanding, the Planning Board does not issue excavation permits. She received her permit through the Board of Selectmen and through the State.

Rob Nadler responded that, at the last meeting, a lot of people present were from the Route 16 business area and they commented that the Master Plan needs to address their area. He read a paragraph which he wrote in response, to be added to the Master Plan. The Planning Board agreed to have Rob's section added to the Master Plan under the goals section.

Josephine explained that the area allows dual uses. The ordinances lists the businesses that are allowed; the updated Master Plan does not list the kind of businesses, so as not to limit what kind of businesses can be developed in Albany. Leah mentioned what the confusion is about regarding the current ordinances; can you have a business and build a home on the same lot? The Planning Board agreed that you can. Leah Valladares expressed that she is satisfied with Rob Nadler's addition to the Master Plan. She said she has a home on her property on Route 16 and she can move into it, which is located next to the project that she is working on. She can then call it a home business, instead of going commercial with her project, which she thought she had to do, if she is reading and following and understanding the current ordinances correctly. She asked the Planning Board if they understand the confusion. The Planning Board responded that they have to better define the differences between a home business, a home occupation and a commercial business. Leah agreed that would make more sense. It would not be in the Master Plan, but that needs to be addressed in the ordinances.

Lee Grant commented that, with regard to housing, sections 14 and 15 in the Master Plan sound like they came from snob zoning. It doesn't show the % of people living on Route 16, or consider the people who live on Passaconaway, Bald Hill, and other areas that are off Route 16. He has a house on Route 16 and he can have a two family house or condominium beside him. He suggested the survey should have listed the percentages of answers coming from different areas of Albany, and also the percentage of residents and non-residents who answered the questions. It says that there is a need for two-family housing, but where would Albany like to see it built? ...anywhere along a state highway or elsewhere? That means that the people on the other roads are telling the people on Route 16 that they have to be commercial and allow those housing facilities to be built alongside them. It seems like snob zoning. He stated that the survey was wrongly worded.

The Planning Board agreed that another survey can be done, and if people want to have a say they should be at the town meeting. The Planning Board can take suggestions. Every year the Planning Board can update the Master Plan. Ed Alkalay suggested that the Planning Board bring that up at the meetings so that everyone can be aware what the questions are going to be.

Kelley Robitaille spoke about the last page on community goals; the survey was distributed to 1,120 residents, and respondents were 193. That's a very small amount of residents that had a say on the survey. The other problem he has is that the first five questions are about "rural" and they are very leading. The town needs more people to get involved.

Dorothy Solomon had a question about the 1,100+ people who picked up the survey, while there are only 735 residents in the town; how come there were so many more surveys mailed? The Planning Board explained that some people own property but are not permanent residents of the town. Steve Knox explained that everyone who owned property was sent a survey, as well as those who were on the checklist. If you were a renter, you didn't receive a survey, but if you pay taxes, or you are a registered voter, you did get a survey. He pointed out that on page 6 the survey asks about encouraging growth of existing businesses and about encouraging new businesses. On page 8 it asked if certain areas of the town should be designated for industrial use and commercial activity; both of those uses received good solid votes. The Planning Board can create ordinances to help reach those goals. It's misleading to say the topic was not addressed. Kelly spoke again to reiterate what he said before. He said 120+ people are not enough to guide the town of Albany. Josephine answered that the North Country Counsel said that 17 % respondents on a survey is remarkable amount.

Sara Young Knox commented that she edited the Master Plan. To research a point, she went back to ten years ago when cell towers were being erected; there was a big controversy over that. The Waldorf School and Tin Mountain were two other developments the Planning Board was dealing with over the last ten years. These two institutions have made Albany into a different town. People are coming to Albany who never came here before. Albany's taxes have doubled over the years. The next ten years are uncertain. The town has to think about the future, and the Master Plan has to address how the town will prepare for the future. Climate change is occurring, which will affect the future for everyone.

Colleen Cormack commented that she thought the percentage of returned responses on the survey is excellent. She also was impressed with the amount of work that went into the Master Plan. It is well done and makes her feel like she belongs in the town of Albany. She liked the shift of focusing on the future generation in the Master Plan.

Leah Valladares announced that she completed the survey; she pointed out an error on the percentages, which the Planning Board stated will be corrected; it was a typing error. She was approached by a local business owner to head a task force to create a business district. There is a solid work force of business owners along Route 16. She suggested adding it into the next survey. She still is concerned with the Excavation part of the Master Plan. The State Laws govern excavation very tightly. She feels it is excessive if someone is doing incidental soil removal/excavation to have to go before the Planning Board for less than 1,000 cubic yards, and then to be told to hire a surveyor to get the calculations. There is no ordinance, but it seems that the Planning Board wants to create an ordinance to address excavations. The Planning Board answered that it is important to keep the licenses and permits current; and they want to make sure the Board of Selectmen are enforcing the State laws regarding reclamation; there have been a lot of digging in the town and there have been no reclamations. Leah Valladares stated that the Master Plan sounds like an ordinance; the State law does not say that calculations of reporting

materials to be excavated shall be reported to the town before excavation activities are initiated. That is her concern – the wording.

Lee Grant suggested listing the pros and cons regarding cluster housing and condominiums. There are a lot of repercussions when you put in affordable housing; taxes will go up.

Ed Alkalay asked the Planning Board what the next step would be. Josephine explained that the next step will be to add in Rob Nadler's paragraph under the goals. Then the Planning Board will vote to accept the Plan as it is; it will be registered. The last step is to make ordinance changes, one or two at a time. The town votes on all ordinance changes.

Rick Hiland spoke next about the Master Plan. He thought 80% of it was well written, but he has a problem with about 20% of it. The 2010 Survey is 4 ½ years old. He has a problem with the sections on cluster housing and affordable housing. Also the fact sheet that is included in the Master Plan was written by a person from Ohio State University based on his opinion; Rick said he contacted the University and found this out. There was nothing in the survey that told the residents what cluster housing would do to their taxes. He questioned the purchase of the Albany Town Forest and asked how much open space does the town need? Affordable housing is apartment complexes and condos; where are they going to be placed? Rick said he looked over the surveys and noticed that a lot of people said yes to cluster housing and affordable housing, and they also added comments like "but not in my back yard". The last issue is regarding property owners' rights; the section #9 that was added addresses citizens' rights. He would like to see something added to protect private property rights.

Sara Young Knox reported that affordable housing has to be included in the Master Plan. She reviewed a court case regarding the town of Ossipee. The Ossipee court decision directed the owner of an affordable housing complex to have so many units in certain income level groups, which are subsidized, and it would have to be stated for 20 or 30 years on the deed. No one wants big places; the town of Albany does not have sewer and water for these affordable housing units. However, to not address the issue in the Master Plan would open up the town to a lawsuit in the future, which would be very expensive.

Rick Hiland also spoke about Emergency Management; there is nothing in the Master Plan and it should have been included. He said there was a sun spot last week that just missed the earth; if power goes out for six months, what would the procedure be? There is nothing in place in Albany to deal with a major emergency. Sara Young Knox mentioned that the town would have to depend on Conway, or on Coleman's equipment. She also mentioned that big trucks go up and down Route 16 all the time; if there were a major spill on that road it would shut down this side of the State. That is the biggest potential danger the town currently faces.

Kelly Robitaille said he agrees that the Master Plan should include a major emergency preparedness plan. He also asked the Planning Board if they will still have the lawyer review the plan as voted on at the last meeting; they said yes, after some slight edits and additions are done. Josephine suggested having the Board of Selectmen work with the Planning Board to come up with an emergency preparedness plan. She invited all residents to contribute their ideas. Kelly added that something should be mentioned about heating when generators run out of fuel due to a major disaster. Ed Alkalay reported that the town only has so many resources, and in a situation

where there is a major disaster, where everyone in town needs housing, FEMA will take over. However, each home owner should have their own basic emergency supplies and equipment.

Mike Helmers spoke about the foresight the Master Plan has, regarding a plan for resilience for the needs of the people of the town; it lists the themes of energy, water, shelter and food. There are plenty of actions the town can take with its resources to plan for the future.

Peter Carboni spoke about the issue of setbacks, which the Planning Board wrote an ordinance for to increase the setbacks, but it was not passed by the voters in 2013. The setbacks will have to be looked at again because the trucks coming through Route 16 now are a lot longer. The turnoff requirement for Route 16 has gotten a lot longer, and keeping 25 feet setbacks is pushing a safety issue. To keep the business district operating safely, the setbacks will have to be revisited.

Josephine Howland reported that the Planning Board has talked about working with the town to form committees, such as an emergency preparation committee, an energy committee, and other committees. The Planning Board would like everyone to work together.

Josephine Howland summed up the next steps. The Master Plan is available at the Town Hall and will be on the website once the website issues are solved. In October the Planning Board will go over the suggestions and use them to make changes and additions to the Master Plan. It will then be voted in by the Planning Board, and next will go to the lawyer. After the lawyers states that it is fine, the Planning Board will begin to work on ordinance changes.

Adjournment: Acting Chairperson Josephine Howland asked for a motion to adjourn the Planning Board Public Hearing at 8:03 P.M. A motion was made by Rob Nadler; seconded by Joe Ferris. Passed unanimously.

Respectfully submitted,

Theresa Ann Gallagher

Recording Secretary