

Town of Albany, New Hampshire
Planning Board Monthly Meeting - DRAFT
Monday, September 8, 2014 7:00 P.M.

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Next Meeting/Public Hearing Monday, September 22, 2014 7:00 P.M.

The Planning Board Monthly Meeting 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

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

Also Attending: Rick Hiland, Steve Knox, Leroy Grant, Dorothy Solomon, Susan Ticehurst, Kelly Robitalle, Jack Rose, Tara Schroeder, Scott Gormley, Leah Valladares, Cathy Ryan, Bert Schroeblham, Christine Frost, Todd Provencher, Deb Bush, Tracey Sevieri, Lillyanne Provencher, Samantha Provencher, Makayla Chick; June Johnson

Acting Chairperson Josephine Howland called the Planning Board Meeting to order at 7:03 P.M.

Acting Chairperson Josephine Howland announced that the Board of Selectmen voted to appoint Peter Carboni as the new member of the Planning Board. There was no discussion, and they just voted him in at the last Board of Selectmen's meeting. Josephine appointed Joe Ferris as a voting Planning Board member for this meeting.

For the reorganization of the Planning Board Josephine nominated Peter Carboni to be the Chairman of the Planning Board. Peter declined, unless they could not find one at this meeting. Adrian Simons nominated Josephine Howland, because she has the experience and he does not. Board of Selectmen Rob Nadler made a motion to have Josephine assigned as an Acting Chairperson for this meeting, and then at the October meeting, when Tara Taylor is present, they can take a vote; Seconded by Joe Ferris. All in favor.

An interruption occurred because there were so many people attending; Leah Valladares asked for an adjustment. The Planning Board invited other attendees to get chairs from the big room and come in around the table.

Approval of the Agenda: Acting Chairperson Josephine Howland asked for a motion to approve the proposed agenda for August 25, 2014 Work Session Meeting; Rob Nadler made a suggestion to have the Town Attorney's letter read; Josephine said it is included on the agenda in the correspondence section. Rob made the motion to approve the Agenda for this meeting; seconded by Adrian Simons. All in favor.

Approval of the Minutes: Acting Chairperson Josephine Howland asked for a motion to approve the minutes from the August 25th work session; No changes or corrections; Rob Nadler made a motion to approve the minutes; seconded by Peter Carboni. Acting Chairperson Josephine Howland asked all in favor of approving the minutes signify it by saying “aye”. All were in favor.

Public Comment: Tara Schroeder was invited to speak about a land subdivision that she wants to do; the property is off of Abenaki Way. It has about 6.5 acres. She has a right of way on the southern edge of the property on Moat View Drive. She wants to carve out a couple of acres at the back end of the property. The property comes to a point where there is a right of way access. She is asking the Planning Board what the steps are that she needs to take to abide by the Town ordinances. The frontage to the property is the right of way; entering egress off her property is there. She understands that Moat View Drive has a home owners association. Theresa Gallagher has sent her the subdivision regulations. The next step for her is to approach the home owners association off of Moat View Drive; Josephine told her she will have to work with them as well as the Planning Board. She asked whom she should contact at the Association. Dorothy Solomon told her to contact Ed Alkalay. Josephine told her his e-mail address: ed@northconwaylawyers.com. He writes letters for the Conway Daily Sun. Josephine told her she has to get a driveway permit from the road engineer, Curtis Coleman. The width is about 50'. The driveway permit application can be obtained from the Board of Selectmen. There already is a driveway on the right of way, and she wants to add her driveway off of that one. The driveway will access the new lot. She still needs a driveway permit. Josephine reminded her to make sure the application is complete; it cannot have N/A answers. She will hire an engineer to walk the property and draw the plot plan after she talks with Ed Alkalay. Theresa will send her the land subdivision application. Josephine suggested getting a digital copy of the plot plans and application to make it easier to distribute to everyone.

Correspondence: Rob Nadler made a motion that the Planning Board approve a discussion of the letter written by the Town Attorney, Walter Mitchell; all were in favor. Theresa Gallagher read the letter aloud for all the hear (see attached). People in attendance interrupted with comments. Rob Nadler said he would like to propose that everyone learn from this and move on; Theresa Gallagher explained that for three years she has been doing the same thing; she asked for permission from the Planning Board to record the meetings for the sole use of typing the minutes. They said it was ok, but after the minutes are typed she should delete the recordings. Josephine Howland proposed that the Town purchase a tape recorder for the Planning Board, along with a flash drive for copying and distribution of the recordings. Rob Nadler said he put in a request to Theresa, 5 days went by and he did not get an answer; she told him that is not true; she answered him the same day she sent in the minutes, September 1st, right after her company left, and she found his e-mail. She answered him right away. Leah Valladares spoke out that she was a recording secretary and she knows that the recordings cannot be erased until after the minutes are approved. The confusion was because it was a personal recorder, of which the NH Municipal Association lawyers agreed that it does not fall under the same ruling as a public recording. Tracey Sevieri again interrupted the meeting, and Josephine had to remind her that she was not invited to speak. Joe Ferris made the motion to purchase a recorder and a flash drive for the Albany Planning Board to record their minutes, and then the flash drive will be given to the Town Administrator for the public to obtain upon request.

Todd Provencher interrupted the meeting to make a loud announcement: he is requesting that his speech be recorded in the minutes, and his questions are in the minutes because he needs to prove his point. When he was getting all his paperwork approved he asked the Planning Board to make sure something was recorded in the minutes because everyone wants to understand that they are on the

same page. He said it was never in the minutes. Theresa Gallagher asked him what it was, because she puts everything discussed in the minutes. He said he couldn't remember what it was. He said he could go through the minutes and he will be specific, letting the Planning Board know exactly what it was he wanted to be recorded. He said he will bring it to the next meeting. Rick Hiland spoke out that he sent Theresa Gallagher a RTK request asking for a copy of the recording and he was given the same response as Rob. He contacted his lawyer and his lawyer told him that the recording has to be kept until the minutes are approved. Josephine Howland said that from now on the Planning Board will not use a personal recorder. Tracey Sevieri interrupted again, shouting that the Planning Board should be held accountable. She kept shouting that the Planning Board should address the Town issues. Rob started to speak, and there were too many people yelling over each other to hear what was said. Scott Gormley spoke up stating that there was not conspiracy; anyone can buy their own recorder for \$14.99 and record the meeting if they choose. Todd started to shout that when they steal your car they don't sweep it under the rug; he told the Town to wake up. He shouted wake up, Albany.

Josephine announced that there was a motion on the floor. Adrian Simons seconded it. All were in favor. Rob Nadler made a motion to have the recordings deleted after the minutes are approved; seconded by Peter; all were in favor.

Josephine said she sent Rob an answer to his question about the numbers adding up in the Master Plan, and also what the QCEW stood for, and she never received an answer from him. She went over what her e-mail discussed.

Theresa announced that there was other correspondence. She contacted Tara Schroder to guide her through the process of obtaining a land subdivision and she sent her the regulations. She also responded to Rick Hiland, explaining that she used her personal recorder and included what the NH MA Lawyers had written in Town and City. He also requested to see the survey results from 2010, and she will meet with him on Thursday to hand him the responses, which cannot leave the building. Theresa e-mailed Leah Valladares about her request to come before the Planning Board, but she wanted to postpone. Also, a letter is going to Walter Mitchel in response to his letter.

Board of Selectmen's Report: Rob Nadler said he would like to make a comment; there has been a lot of inter board sniping going on and he would like it to end, and all the past issues should be done with. The Planning Board should just go over Planning Board business and the Select Board should go over the Select Board business; if the Planning Board has an issue they should come before the Board of Selectmen. This has to do with the reorganization of the Board. Leah Valladares spoke up that she would like to join the Planning Board, and she wants to know what is the correct procedure. She would like to see the Boards work together. Josephine responded that the Planning Board does that, but the Board of Selectmen do not. Leah said she believes that it starts with poor attitudes. She understands that everyone works hard, and no one gets paid large fees for doing the work. And she would like to see it end. Rob said he agrees and it all started with Todd Provencher. Todd and his girlfriend started yelling over each other; it was difficult to hear what was said. Josephine asked everyone to stop yelling. Rob said he was just trying to make a joke. Someone yelled it's not a joke and Todd's girlfriend started yelling about their engagement and how the driveway cost them their wedding. Josephine said it was not her idea to have the driveway; it's a state regulation.

Cathy McKenzie Ryan got up to speak: She said she started on the Planning Board in the late '80's with her Father-in-law Ed McKenszie, who has since past. She and the Planning Board redid the

Master Plan, which has to be updated at least every 10 years. She came here tonight to see where the Town of Albany is headed, and what the Plan has to say, because everyone who lives here has a right to say what they feel and think. Then in 1999 she was asked to be on the Board of Selectmen which is what she did for four years. She understands how the Board members feel, because you get on the Board to do right things for the Town, and everyone looks at you like you are the “bad guy”. She assured the Planning Board that they are not the bad guys, because they are here and are elected to represent the Town, and to get a feel of what direction they want to move in, even if they don’t personally agree with it. The Planning Board needs to be subjective. The Town needs to regroup. She suggested that the Boards move on. Everyone is here to be supportive of the town and make it a great place, because it is a great town. Todd Provencher interrupted with comments and she asked him to please stop, twice. She said everyone needs to come together and stop sniping at each other. All the Boards need to work together. She is on the cemetery committee. She asked everyone to be productive and move forward. (applause)

CEO Report: Peter Carboni said he has nothing to report tonight. He didn’t see it on the agenda; Josephine said it’s always on the agenda, the CEO Report.

Conservation Committee Report: Rob Nadler said the fields are being plowed. Rob said he and Curt met with Joanne and are working with the Conway Fire District to come up with a way to get her water so she can do some irrigation and wash the vegetables. River water cannot be used. The water district will give them access to the main line which comes across that area; there is a cost of about \$1,500 which can come from grant money, and then the seasonal cost will be about \$4 per gallon; the other choice is to drive a point; Greg has offered to dig down to the water. No tax money or reserve money will be used. Joanne has not signed the lease yet until water can be obtained at the location. The other issue is that the airport has a new run that is a little longer and it goes into that area, so they are being asked to pull it back a little. The options are being explored.

Old Business: Rob Nadler said he would like to see the Master Plan reviewed by the Town Attorney because there is so much detail. Tara Bamford said she would like to look at it again; it’s the Board’s duty to protect the Town from any lawsuit that is not anticipated. Rob Nadler made a motion to forward the Master Plan to the Town Attorney for comment; Peter seconded the motion. All were in favor. This will wait until after the public hearing, in case there will be adjustments. Theresa had asked Rob to review the section she added on individual rights, taken from the 2001 Master Plan; she removed some verbiage as directed by the Planning Board. Rob’s submission was cut and paste word for word. He responded that he could go either way. Theresa submitted the Master Plan as she had it worded.

Tracey Sevieri asked how old the survey was and commented that it was outdated. She suggested that instead of finalizing the Master Plan, redistribute the survey, and make it known that everyone who participated in the survey did, with a checklist. The Planning Board responded that it was in Dorothy’s column, it was given out at the Town Meeting, and it was mailed to everyone, using their tax mailing addresses. Tracey said there seems to be a discrepancy and it should be redone. She insisted that it will be very quick. Rob Nadler said that because the Master Plan is a living document it can be changed at any time. He said it was put together by a volunteer Board, and it’s a really big document. The conversation got muffled because Tracey was talking over Rob. Tracey said you’re supposed to update your Master Plan every five to ten years, and the survey is already expired after five years, it seems like it is null and void. She said it seems like the survey should be redistributed to hear the true voice of the people living in this community; she asked if the people living along

Route 16 on commercial properties not get the survey for a reason, and did all the citizens of Piper Meadows and also not get it for a reason. She said she and they are not properly represented and it needs to be done again. Joe Ferris made a suggestion to get it on the warrant for next year's Town Meeting, but it will cost a lot of money. Tracey interrupted again and the conversation was not clear. She started yelling and said let's make this happen for our community. She yelled that they come in and say they don't want a 50 foot setback and so the Planning Board tries to sneak in a 100 foot setback. She continued to yell about this and no one could speak. She said she is not happy. The Planning Board announced that they hope people will volunteer to be on the Planning Board. Tracey asked how they can oust certain people so that she can fill the position. The Planning Board stated that they are looking for alternates, so please sign up. Leah said she agrees the survey is outdated, but there is nothing that can be done now. The Planning Board worked really hard on this Master Plan, even though she does not agree with all of it. There are some things she would like to be included that should have been accounted for, but they weren't included in the survey, such as a business district on routes 16 and 112. Her question is about the public hearing to take place on September 22nd, is that an opportunity for the concerned citizens to come and voice their opinions as to whether they want to vote on this or have changes made, or would like to see things added to it at that time. The Planning Board said, yes, they will take in public opinions, but there is no voting on the Master Plan.

Leah said she has a very large problem with items in the Master Plan that can be construed as ordinances, especially in the Home Business section. Josephine said that is the ordinance. Leah read the section on page 10, under goals. The Planning Board said they changed it; home business can employ other people, but home occupation does not allow that. Todd commented that for a home occupation you cannot employ anyone that is not a family member; Todd said he tried to go for a family run home occupation and the Planning Board told him that it is a home business so now he can have employees on his property, Leah asked what a home occupation is; Josephine answered that an example would be a consulting business. She asked what a home business is; Josephine answered a business that can have outside employees. Leah read the part about noise, dust, etc. and stated that if she has employees on her property she will have noise, dust, etc. So she asked what she can do as a home business. It is something to think about when going forward with the ordinance, because you can't articulate what a home business is. The Planning Board commented that what she is saying is that it is too vague. Leah commented that if she has a business it should be able to grow and not be stuck in her home. She argued that with a home business according to the ordinance, you're not allowed to have outdoor displays of goods. Josephine explained that there are commercial businesses that do allow that. Adrian explained that the reason behind home business and home occupation ordinances has to do with fire and safety issues. When you bring employees in, you are responsible for the employees. When you have a home business and set up a separate building and you hire employees, there are a whole new set of rules and laws that have to be followed on your private property regarding noise, light, etc.

Leah said that her second lot is residential so she could set up a private garage, and she could start a home business on the property. That is exactly what she can do and she does not have to turn that lot into commercial; the Planning Board agreed. Rob Nadler commented that is an interesting interpretation, but he doesn't know how the ruling would be by the Town Attorney as to how you interpreted the rule. Leah asked the Chairperson for a definition of that. Josephine explained that the reason they made it vague is because what used to be there was a list of ten businesses and it limited what kind of business you could do. Leah explained it is a concern because it doesn't increase the tax roll, when this town needs tax money. She should not be able to take her building on a

commercial lot and call it a home business. The Planning Board responded that the lot is not the same lot that she lives on; Leah answered that it can be. Josephine explained that is an ordinance passed by the voters. If a change is needed in the ordinance, then the Planning Board will work towards making a change. Leah agreed, but also suggested that the Master Plan needs to address, help and promote anything to do with businesses on route 16 and 112. The survey did not address that either. Todd commented that when he went before the Planning Board they told him he was turning his lot into a commercial lot, more than residential, and it will be listed as commercial from now on. Todd said he went through all the zoning rules and cannot find a section on commercial residents or commercial businesses in town. He just wanted to let the Planning Board know that zoning rules for commercial properties is missing. Leah said they do want to keep it that way; it's dual use, and what they told Todd is wrong.

Rick Hiland commented that it would be costly to redo the survey, but it would keep peace in the Town to make sure everyone has the chance to speak. Josephine explained that at the Town Meeting when a survey was given to a resident, their name was checked off. If anyone did not get one, including part-time residents, it was mailed according to their tax address. Rick said that a lot of the addresses were not correct, and it needs to be readdressed. He believes that they only pulled the information they wanted to use to get their agenda across in the Master Plan. 79% responded that they wanted to grow at the current rate or less, and it is not even addressed in the Master Plan. Rob Nadler commented that this Master Plan doesn't include everything that was in the survey, one way or another, it's just a part of it, and hopefully the attorney will pick it out. Rick said it is not a legal issue and you don't have to go by what an attorney feels. Someone asked a question about who is going to change it? The Planning Board changes it. He asked how many people will be left out. He asked how many people will it affect, because the Master Plan doesn't allow it and those people are swept under the rug. Then the changes will be made two years down the road.

Josephine explained that a resident who wants to do something for which there is no ordinance that allows it, they can go to the ZBA for an exception. Rick said the people living in the mountains will answer the survey differently. He didn't like the survey because there were some questions on the survey that he wanted asked. He wrote some suggestions on it. He thinks the survey was written by people who think one way; it didn't have anything to do with route 16, which is the only section in Albany that has a possibility for growth.

Tracey then suggested making people stop, get some firewood, have a bite to eat and put the name of Albany on the map, and be proud of our community. Josephine said she absolutely agrees, and she could not believe people were putting Todd through the ringer to sell firewood. Tracey asked Josephine why she was taking pictures of her house. Josephine said she has never taken pictures of her house. Tracey said she has witnesses. Josephine said she would like to see them, because she never has taken pictures. Two people in the background were talking and the conversation was not clear. Tracey said it made her and her children feel uncomfortable. Josephine said she never took pictures of her home. Todd said he has proof of Steve Knox taking pictures of him in his front yard with his family and his daughter. Josephine said he has to ask Mr. Knox.

Rick Hiland said he has another question about the survey regarding cluster development, and he also has an informational fact sheet. He checked with the Ohio University, and found out that it is nothing more than a subjective opinion by the person writing the article. It was one sided. No one told the people filling out the survey how much that was going to cost them in taxes. In a cluster development you bring in 45 houses into a 100 acres lot, cramming them all together, and they all

bring two kids with them who have to attend school. At \$10K a piece, he asked how long do you think the taxes in the town will stay where they are. The Planning Board did not put that in the survey to give the opposing facts. Josephine said she did not write the survey. Leah said it's proof that it is outdated! Then Rick said the next section talks about affordable housing, which is apartment complexes. Josephine answered that is not possible without running water and sewer. He asked why is it included in the Master Plan, and she answered that it is a state law. He said it is not.

Cathy Ryan got up to speak and commented that the survey is not perfect, and there is none out there that is. Rick Hiland said it shouldn't be anonymous; he wanted to know who filled them out. He said when they turn them in their names should be checked off; they don't have to put their names on the survey. Cathy agreed. She said the anonymous answers were from the citizens of the town. She told how she was involved when there were hardly any zoning laws and businesses were booming. They used a checklist in order to protect themselves. Its true when school kids come into the community it costs a lot of money, but legally it cannot be stopped. Developing the businesses along the strip has been a goal forever. Years ago they didn't want it to look like North Conway; they wanted industrial parks, and places you can go into. But in the 1990's the people's feelings changed. The Master Plan is not written in gold, and it's not a law. Rick Hiland commented that most people don't read the law before voting on it because they think the Planning Board is doing the right thing. Cathy responded that's our democratic society. Todd said he noticed that at the past Planning Board meetings everyone on the Board turned to the Chairman and asked "what did you do on the Board Mr. Knox?" and he replied "Well, this is what I was going to... let's vote on it, I think that's a good way!" Influenced by other Board members who are not even on the Board anymore. Todd said he watched it time and time again. Rick Hiland said he never saw anyone dissenting on a vote. Josephine said that is not true, because there Rob dissented on a vote at the last meeting.

Someone spoke up to say the attendees are turning up wound that need to heal. He also suggested made a suggestion to set up a suggestion box for everyone to make out what they think should be on the survey. Everyone will have an opportunity to say what they want to say. The Planning Board agreed. Joe Ferris made a motion to place a suggestion box in the hallway of the Town Hall for the residents to place their suggestions in. June Johnson said that at the Town Meetings half of the people do not show up because they don't care. The Planning Board members are present all the time. Then those people holler and scream. Joe Ferris said when he was on the Board of Selectmen's meeting he had to leave work early to attend, and it cost him money. But he cared and wanted to pitch in. Josephine said she was at the Town Meeting a few years back and there were 18 residents in attendance. The Planning Board does the best that they can do with the information that they get. At this point there were too many people talking to be able to hear what was said.

Peter Carboni suggested the Planning Board go over the procedure to follow if anyone wants to join the Planning Board. They can get the schedule of the meetings, the second and fourth Monday of the month. It is posted on the front of the building. Josephine told them to let the Board of Selectmen know that they want to become members; currently there are four openings for alternates. When there is an opening because a member of the Planning Board leaves, then the Planning Board makes a suggestion to the Board of Selectmen of whom to assign to the position. The Planning Board budgeted for 10 members. Dorothy Solomon can include it in the article. A set of the guidelines for the Planning Board can be provided by Theresa. The Planning Board would like to see all walks of life as members.

Dexter Shatner's son presented to the Town of Albany's Historical Society a wood carving of the covered bridge that his father made; his sister will place a little plaque on it, and he wants it to stay in the historical society as long as the Town Hall remains a part of the Town of Albany.

Todd made one last comment; everyone who does not come to the meetings has great faith in the Planning Board and the Board of Selectmen. They have total confidence in these two Boards.. In the restructuring of the Planning Board the Planning Board should consider the direction they want to go in, and restructure appropriately. The direction that the Town is on now is a collision course. He suggested they think real hard about the direction the Planning Board wants the Town of Albany to go in, and restructure it appropriately.

The Master Plan will be available at the Town Hall and on the website early this week.

Adjournment: Acting Chairperson Josephine Howland asked for a motion to adjourn the Planning Board Monthly Meeting at 8:35 P.M. A motion was made by Joe Ferris; seconded by rob Nadler. Passed unanimously.

Respectfully submitted, *Theresa Ann Gallagher*, Recording Secretary

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