



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2009-2010
David F. Sullivan, Chairman
Edward Warren, Vice Chairman

MINUTES
Regular Meeting 12 November 2009
7:00 pm

AGENDA:

- ◆ **Call to Order**
- ◆ **Approval** of October 15 minutes
- ◆ **Continued Public Hearing** for annual review of the Growth Management section of the ordinance.

CALL TO ORDER: The regular meeting of the East Kingston Planning Board was called to order at 7:02PM.

ROLL CALL: Mrs. White called the roll.

Members - Mr. D Sullivan; Mr. E Warren; Dr. RA Marston; Mr. R Morales and Mr. D Pendell, ex-officio.

Alternates: Mr. R Forrest.

Also Present: Dan Guilmette and Peter Gilligan, East Kingston residents.

Board Business

The first item on the agenda was to approve the minutes of October 15. There was a minor grammatical change on page two noted.

MOTION: Mr. Warren **MOVED** to accept the minutes of October 15 with the change noted. Mr. Morales seconded. The motion passed.

Board Business

Application for Alternate Member - East Kingston resident Peter Gilligan had submitted a letter of interest for an alternate position on the Planning Board. Mrs. White read his letter to the Board. The Board thought it was a well-written letter, and they were in favor of recommending Mr. Gilligan to the Selectmen as an alternate member. Mr. Pendell noted there was at least one other application that had been made directly to the Board of Selectmen at the Office, and that any applications already on file should be given first preference if they were still interested in the position. Mrs. White will check on that other application. The Board is allowed 5 alternates.

MOTION: Mr. Morales **MOVED** to the Board send a letter to the Selectmen recommending approval of Mr. Gilligan for the position of Planning Board alternate. Mr. Warren seconded. The motion passed.

PREP Grant Update - Mrs. White informed the Board that a Town-owned 5- acre parcel at Pheasant Run had been chosen for the study area. The Selectmen have given their approval to install identifying signs for vegetation and wetlands, but the Conservation Commission will need to come back to the Selectmen for approval of sign size and content if there is to be a main identifying sign at the area. Mr. Morales stated the Conservation Commission will conduct a site walk next week.

CONTINUED PUBLIC HEARING FOR REVIEW OF THE GROWTH MANAGEMENT SECTION OF THE ORDINANCE.

Mr. Sullivan opened this public hearing at 7:18 pm.

Mrs. White reported that she and Ms. LaBranche had not concluded accumulating the necessary figures to complete the calculation for growth management. Mrs. White had checked with Ms. LaBranche and there was still time for another public hearing on the Growth Management ordinance if necessary after the December 17 meeting. It was ascertained that the housing stock figures were the important numbers for the calculation. To update most of the rest of the numbers in that section of the ordinance, they would need to wait until the US census figures were completed in 2010. Mr. Morales gave Mrs. White a website to check for newer census figures; she will see if she can get any needed information from that.

MOTION: Mr. Morales **MOVED** to the Board continue this public hearing until all the statistical information is collected. Mr. Warren seconded. The motion passed.

Since this is the third time this public hearing has been continued, the Board decided a public notice in the newspaper was warranted in the event some persons might not check the postings at the Town Office or the Post Office.

Mr. Sullivan closed this public hearing at 7:22 pm.

The word *job* was omitted from the Nov. min. and inserted in December.

Continued Board Business

Plan NH. Mr. Morales noted that although there was good representation by members of the Board, he had been somewhat disappointed at the forum. He was under the impression that the meeting would have been more formally run and opined the members of the Planning Board could have done a better *job* of implementing the meeting. He noted that the goal of the forum was not stated and that several persons monopolized the meeting with ideas and criticisms. His thought was that it was very unfocused and he wonders what they are going to write on the report. Mr. Morales thought there should have been some sort of agenda to guide people through the process. Although there were only 20-25 people in attendance, he opined they appeared to represent a good cross-section of the people in Town, but was surprised that some of the people who have come before the Board before for home businesses and been denied had not attended this meeting. Mr. Morales went away from the charrette actually feeling cheated at not getting something more than what was presented.

Mr. Pendell was also not impressed with the way the meeting had gone. He opined that he left that meeting thinking that the town had been *solicited* for services rather than being provided a service. Mr. Morales agreed. Mr. Pendell noted it was nothing like the Newton charette he had attended; that had more people with more diverse backgrounds running the charette. Mrs. White reminded the Board that Newton had received a full-blown 2-day charette and that East Kingston had received a 2-hour mini charette and because Plan NH had felt they needed some help. She also was surprised that there had not been some sort of agenda, as Mr. Castagna had told her that he was working on a presentation for the charrette, which did not occur.

Mr. Warren also expressed that it was not what he had been expecting and that he had felt that Mr. Castagna was unprepared and shooting from the hip. He wanted to know if the Board had to take some responsibility for that as there were so few people at the meeting. Mr. Morales did not think so. The intent was to find out where the people in town thought that commercial business should be expanded to and that question was never asked.

Mr. Guillmette noted he also had expected more structure, but realized that it was a listening session. He asked how the general public would get the report. Mr. Pendell noted they were thinking of posting it on the website.

The Board members wondered how much they were going to be charged for this charrette. Mrs. White thought she remembered that at the first meeting with Mr. Castagna, he had suggested that it might be a \$250 donation. On Saturday when Mr. Sullivan inquired as to the fee, Mr. Castagna told him it would be \$500. The Board asked Mrs. White to contact the Selectmen's Office and inform them that if they received an invoice from Plan NH, they should wait to pay it until the Board received the report. That way they could decide if they felt that the product was worth the price that was quoted to Mr. Sullivan, or the first amount. The question was also asked how was Plan NH expecting to submit an invoice for something that was supposed be a donation to their scholarship program.

The Board opined they might have another meeting to disseminate the information from the report to the public.

Mrs. White thanked Mr. Pendell for opening up the school and setting up the room, and Mr. Sullivan for taking care of supplying the refreshments.

Mr. Sullivan - Mr. Sullivan had submitted a letter to the Selectmen signed by himself and two other members of the Planning Board requesting that Mr. Pendell be removed as ex-officio and replaced with another ex-officio. He had checked with LGC and found out that he should have proceeded within the confines of a meeting, not afterwards. He had another copy of the same letter that was submitted to the Selectmen with him tonight and signed it, passing it on to the other members of the Board for their signatures. They declined to sign at this time, noting they felt that it only needed to be signed by the Chairman. Mr. Sullivan stated according the LGC, if there was a majority of the membership signing the letter, the Selectmen would be required to remove the ex-officio.

Mr. Pendell answered that the first letter had been addressed at the last Selectmen's meeting and that they had not acknowledged it for the following reasons: 1) they are the appointing body for the Planning Board and felt it would be undermining the authority of the Board of Selectmen since the Planning Board works for them, and 2) it was done outside a public meeting and Mr. Warren had not had a chance to see it.

Mr. Warren quoted from the New Hampshire Planning and Land-Use Regulation book, 673:13 **Removal of Members**, which says that appointed members of an appointed local land-use board may be removed by the appointing authority (the Selectmen) upon written findings of inefficiency, neglect of duty, or malfeasance in office, after a public hearing. The regulations also say that the ex-officio is appointed by the Selectmen and may not serve as the Planning Board Chairperson, but does have a vote. Also, only another ex-officio may stand in for the ex-officio for voting purposes; not an alternate Planning Board member. Mr. Morales noted that that regulation pertained to removal of Planning Board members, not the ex-officio.

Mr. Warren also noted that regulation 91-A:2-a- **Communication Outside Meetings**, states that there shall be no communications outside of a public meeting to discuss Board business, and that Planning Board members shall not meet in a nonpublic session with the exception of specific purposes outlined in the regulations.

Mr. Forrest noted that the ex-officio is appointed by the Selectmen, but the Planning Board certainly can make a recommendation. Mr. Sullivan stated that the LGC said if the Planning Board was not happy with the ex-officio, by law the Selectmen have to replace him with majority vote of the Planning Board.

Fire Chief - Mr. Forrest noted in reading the Selectmen's meeting minutes, there was a statement saying "*if the Fire Chief comes back*". He asked Mr. Pendell if the Fire Chief was going to return. Mr. Pendell stated all he knew was that Chief Richard had been on leave for four weeks with a doctor's note; he did not have any date of return for him. Mr. Warren noted that both he and the Fire Captain Matt Gallant were splitting the Fire Chief's duties at the present time.

Tax Rate. Mr. Forrest asked if the new tax rate had been set. Mr. Pendell said that Ms. Gallant and Mr. Dworman had met with the State to set the tax rate that afternoon, but he did not have any other information.

MOTION: Mr. Pendell **MOVED** the Planning Board adjourn. Dr. Marston seconded. The motion passed unanimously.

Mr. Sullivan closed the meeting at 7:50pm.

Respectfully submitted,

Barbara White

Barbara A. White
Recording Secretary

David Sullivan
Chairman

Minutes approved December 17, 2009