

Town of Farmington  
Planning Board Meeting Minutes  
Tuesday, June 16, 2020

**Board Members Present:**

Charlie King, Chairman  
Rick Pelkey, Vice Chairman  
Bill Fisher, Secretary  
Gerry Vachon, Selectmen's Rep.  
Bruce Bridges  
Stephen Henry  
Ann Titus

**Others Present:**

Stuart Arnett, Arnett Development Group

**BUSINESS BEFORE THE BOARD:**

**Call to Order:**

Chairman King called the meeting to order at 6 p.m.

**Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.

**Review of Minutes:**

May 19, 2020 – No errors or omissions

**Motion:** (Titus, second Fisher) to accept the minutes as written passed 6-0-1 (Bridges abstained).

**Any Other Business before the Board:**

**Public Comment-** Yard Sale Shop owner Stephen Henry said he was caught repairing bicycles in his shop downtown and that is not allowed in the Village Center District. He said he made an appeal to the Code Enforcement Officer and received a decision from them and then read Interim Planner Kyle Pimental's response aloud.

Mr. Pimental's memo said it was the Code Enforcement Officer's decision that the bicycle repair service is not an accessory use and should be classified as "Repair Service not Involving Motor Vehicles" as listed in the Table of Permitted Uses and as a separate dual use of the property.

Mr. Henry said because of the CEO's interpretation he has to get an administrative appeal or a variance to fix bikes for customers. He said he services bikes to get them ready to sell and then sells them. He said he started doing this last summer and when people saw him fixing those bikes they asked if he could fix their bikes and then started to do that for people.

He said he didn't do much of this over the winter and when spring came he started to do it again and got caught and was told he was not allowed to do that. He said he has been repairing other things for people like wheelchairs and walkers, unwittingly against the law.

Mr. Henry said he informed the Selectmen of the way this is being interpreted and because they have special interest in the interpretation because of the Town owned land downtown that they are trying to sell that has some pretty strong restrictions on it. He said he asked if it was a dedicated bicycle shop that just sold and repaired bicycles and was told that would still require a variance. In my opinion this is an accessory use as it not 25% of my business but it's not my interpretation that matters he said.

Mr. Henry said he also asked if he could install a hard drive in a computer for somebody and was told no. A computer repair store would require the same variance to sell and repair computers downtown. He said in his conversations with the Selectmen they stood behind the CEO as the person with the authority to make that decision and essentially delegated the corrective action to the Planning Board because the Planning Board controls the Table of Permitted Uses.

He said he came before this board to ask for a letter with their opinion on whether or not the Table of Permitted Uses is being interpreted as the Planning Board intends and to determine that they are willing to take up a clarification of the Table of Permitted Uses for the vote in March so people would have a clear idea of what is and isn't allowed downtown.

He said he was given a copy of the fee schedule which includes the fee for an administrative appeal (\$150), a variance (\$150), the advertising fee for the newspaper (\$175) the fees for notifying the abutters (\$6.90 per abutter -\$55 in Mr. Henry's case). He said he asked the Selectmen that because the downtown is in an economic revitalization zone as is the Sarah Greenfield Business Park to consider waiving the administrative fees in those areas targeted for revitalization. The Selectmen have sole authority to set fees but looked to the Planning Board for guidance on what those fees should be and are expecting the staff to provide what the costs are for processing the applications he said.

Mr. Henry said he looked at the other Town depts. and the services we expect from our tax dollars to better the town as a whole and his children attend public school and they are not asked to write another check to use the school system. If I make a call to the Police Dept., I'm not asked to write another check to use the Police Dept. that is funded with my tax money and the same for the Fire Dept. My street gets plowed whether I write a second check or not after my taxes are paid. To say that we have a Planning Dept. that we pay for to improve our town and properly manage its growth and then to say you have to pay for it again when you want to use it is not consistent with most of our other municipal services. I would also ask that the board make recommendations on what they think the administrative fees should be in an area that we designated for economic revitalization he said.

Mr. King asked what percentage of Mr. Henry's business the bicycle repair represented to his weekly business at its highest point.

Mr. Henry said last year he repaired a couple of bikes for customers and it was less than 1% of his business and he planned to ramp it up come spring and started promoting it online.

Mr. King read from the Planner's memo that legal counsel was asked to clarify if this approach was legal (whether it would be considered an accessory use) and it was ascertained that it would be at the Town's discretion to determine whether or not the use was accessory according to the zoning ordinance. He asked if the CEO ever asked him what the extent of his business he was doing in repairs.

Mr. Henry said the CEO did not ask him that and that he referenced the fact that when he filled out his change of use application for the shop it did not mention repairing bicycles.

Mr. King said it was the CEO's determination that the use was accessory and should be classified as Repair Service not Involving Motor Vehicles and would be a separate dual use or considered in essence the primary use.

Mr. Henry said he interpreted the decision to mean 2 businesses in one location.

Mr. King said that based upon it being 0 to 5% of his business it is considered a whole separate business per the CEO.

Mr. Henry said that could be one interpretation.

Mr. King then turned to CEO's e-mail reply to Mr. Henry's question about whether he could install a product that a customer purchases from him on a bicycle and his response was no. He said Mr. Henry also asked if he could install a hard drive he sold a customer in a computer he sold them and the answer was no.

Mr. Bridges asked if they as a board have to be consistent with what they do because there is a business that had to come before the board to run 3 different businesses out of the former gas station on Route 11. He said if they not consistent with this it could lead to charges of favoritism.

Mr. King agreed the board needs to be consistent but that the case he was talking about didn't correlate with Mr. Henry's situation as that wasn't an evolution of a change of services.

Mr. Fisher said that applicant had to come before the board because it was going from a gas station with tire services to air conditioning repair, sales and installation of countertops and U-Haul rentals. He said the U-Haul business was later removed from consideration and the big reason he came to the board was because it was a change of his site plan.

Mr. Pelkey said those businesses were not related to each other in any particular way and there was no accessory to granite countertops and air conditioning repair and they were completely different things. He said Mr. Henry asked if the board believes this is a correct interpretation of the Table of Permitted Uses by the CEO and in his opinion the answer is no. He said the definition of accessory is something that can be added to enhance it and the idea that if he sold you a bicycle that was broken he couldn't repair it because he's now doing repair does not meet the common sense test to him.

Mr. Henry said he is also a member of the Planning Board and was on the board when that application came through and that was also 2 legally separate businesses and the relation was that they were owned by brothers. They were 2 separate entities looking to occupy a single

space and I am one entity at this point he said.

Mr. Bridges said at one point he ran a store similar to Mr. Henry's store. He said Mr. Henry carries many different items and asked where it would end for repairing things he sells in the store. He asked if something came through needing welding if he would perform welding services.

Mr. King said he was not ready to take up Mr. Henry's other requests until the Planner was present at the next meeting. He said the Planner is aware of this and has his own interpretation of it and he will ask him for his recommendation on how this should be handled. Maybe it's not clear enough and he has some thoughts on how we should consider changing our ordinance to clarify it and to what extent he said.

He recalled the separation of uses was based upon motor vehicle sales and motor vehicle repair and it may be why it was written in this format for repair service not involving motor vehicle repair. You wouldn't do that if you were starting with bicycle repair. I don't think in any community they would separate sales and repair of bicycles he said.

Mr. Henry asked about sales and repairs of computers.

Mr. King said he didn't think they would separate those areas either. He said some of these things are split out in the Table of Permitted Uses mostly because of the concern at the time regarding motor vehicle sales and repairs and that format is carried through on some of these other uses. He said it wasn't the intent to separate computer/bicycle sales 10 years ago and never came up before now and asked how we got here.

Mr. Bridges said that Mr. Henry's shop is a second hand store not a bike or a computer shop.

Mr. King said that a lot of the time when there are zoning issues with a subdivision or site plan someone has interpreted the rules the way they read them and they apply and then the board says that is not what we intended and the applicant makes the case that this is what it says. He suggested that they think of some other scenarios that don't make sense and change the interpretation so the things they think are reasonable would now be clearly interpreted as being allowed and that takes changing the zoning ordinance or the Table of Permitted Uses and approval of the voters.

Mrs. Titus said it sounds like they have some work to do on this and to wait for the Planner. She asked if the fees for the variances, newspaper notices, etc. are the same here as they are around this area.

Mr. King said that typically when the fee schedule came up for review the staff would call around to the neighboring communities, poll what they have for fees, give the board that information and the board then makes a recommendation to the Selectmen. He said that Farmington's fee schedule has usually been consistent with other communities pretty much every time they have reviewed it.

Mr. Bridges said the taxpayers shouldn't pay his fees and the Town should at least break even.

Mrs. Titus asked if people whose businesses weren't making the money they hoped to at this

time could pay for a variance later through a payment plan or if the fees had to be paid in full.

Mr. King said he did not believe there is a payment plan in place.

Mr. Bridges said that would make the Town and the taxpayers finance his operation.

Mrs. Titus said Mr. Henry would have to pay \$530 and asked how the town would be paying for it if he had an installment plan.

Mr. Bridges said because the Town has expenses that have to be paid up front such as newspaper advertising and postage for the abutters' notices.

Mr. Henry asked if they planned to introduce a fee schedule for plowing, police and fire response, sending your kid to school and for any other taxpayer funded services.

Mr. Pelkey asked what would prevent the board from taking up the action and just doing it without an interpretation made when a citizen comes before the board.

Mr. King said because any changes to the zoning ordinance have to be approved by the voters.

Mr. Henry said the decision was more centered on whether the use was an accessory use and was not so much about whether sales and repair should be in the same place. He asked the board to forward their opinion to the Planning/Code Enforcement Dept. on whether the interpretation on the accessory use aspect of his business is the intended interpretation.

Mr. Vachon said at last night's meeting the Selectmen asked him to request that the Planning Board assess the fees for the VC and to see if anything could be done to alleviate some of the fees on the store fronts downtown to encourage new business there.

Mr. King asked if the Selectmen thought this would apply to the entire VC district or just to certain areas.

Mr. Vachon said they were considering reassessing the fees for the immediate center where the store fronts are which would run from the old fire station lot to Cumberland Farms store down to R & W Realty.

Mr. Fisher said they were talking about the entire VC district which is an economic revitalization zone.

Mr. Bridges asked if they were considering alleviating the fees for that area.

Mr. Vachon said they discussed assessing the administrative fees for the downtown area. He said they don't want the Town pay for someone to open but we don't necessarily need to make a bunch of money and put it on the backs of the smaller shop owners that are opening the store fronts.

Mr. King said this is something the board should look at and the Planner should be here to help them and give his opinion about this issue. He agreed they should look at the fee schedule and that this is an area they want to incentivize and these fees are expensive for some of the small stores.

Mr. Pelkey asked if it has always been the policy to have the Planning Board set the fees.

Mr. King said the Planning Board makes a recommendation to the Selectmen and it is the Selectmen who set the fees.

Mr. Pelkey said the Planning Board's recommendation is non-binding and the Selectmen will do what they choose to do.

Mr. King said the Selectmen are not going to set the fee at zero or at \$1,000 each and they need to have an argument as to why they should be changed. He said there are 2 extremes- a multi-lot subdivision that could be a significant draw on the Town's resources plus costs for engineering, site planning and support services that should not be paid for by the taxpayers as it could have a negative tax impact or where someone needs a minor site plan review. For some the argument that there should be some charge for those services is more reasonable because they are not minor, usual and necessary like registering your car. Some of the other things are much smaller and can be considered at a lower cost he said.

Mr. Henry said the current application fees includes up to 2 hours of staff time and then there is a billable amount after that so there is a structure in place to address those issues.

Mr. Fisher said that for Mr. Henry to go back to repairing bikes he has to file the paperwork requesting a variance from the ZBA for a dual use of a property and go before both the ZBA and the Planning Board and it could be 2-3 months down the line before he gets an answer. He asked if it would be legal to put some type of "escape clause" in the zoning ordinance where if somebody is filing an appeal they could continue to do business until a final opinion is given.

Mr. Bridges advised they would not want to do that because they don't want to leave doors open for some people who would abuse it.

Mr. Fisher said this happens at the Supreme Court level where someone is not prohibited from continuing their action (unless it illegal) until the case has been decided. He asked for a legal opinion on the legality of his suggestion.

Mr. Bridges asked what they would do if a barroom wants to change its business a little bit to bring in strippers and if he would let them do it until they come in front of the Town.

Mr. Fisher said the zoning ordinance doesn't allow strippers in this town but we do not have a zoning ordinance that says you cannot repair bicycles. The Table of Permitted Uses says he can do repairs other than to mechanical vehicles and this would just be a slight change he said.

Mr. King said Mr. Fisher is proposing to give the ZBA the authority to decide when something is contested that it is reasonable/not reasonable to continue it until the argument is resolved which would have to go before the voters for approval. He then urged the board to take up these issues while the Planner is present and suggested that they look at the entire Table of Permitted Uses and some of the interpretations and consider changing any they consider to be unreasonable.

Mr. Fisher asked if Mr. Henry wants to continue with this and go before the ZBA and the Planning Board if they should make a motion to recommend to the Selectmen that they waive the administrative part of the fees.

Mr. King said he would not be in favor of such a motion as it could be viewed as favoritism and a knee-jerk reaction to when the Selectmen asked them to consider changing the fees and the

zoning.

Mr. Fisher said he watched the Selectmen's meeting and they said they wanted a recommendation from the Planning Board on whether they should waive any fees right now.

Mr. King said if the board wished to do that at this meeting they should wait until after the Master Plan discussion and then review the fee schedule and make a recommendation tonight.

Mr. Pelkey asked how long Mr. Henry has been prevented from repairing bicycles in his shop where he sells bicycles now.

Mr. Henry said it was around April 15 when the CEO came in to his shop.

Mrs. Titus said the e-mail with the decision from the Planning Dept. is dated April 6.

Mr. Pelkey said he was trying to establish that Mr. Henry lost the opportunity to do some work.

Mr. Fisher said he felt that an existing business could be given a break on the fees but that a new business coming in would be a different story.

**Motion:** (Titus, second Bridges) to table the issue passed unanimously.

Mr. Henry joined the board.

**Master Plan Update** – Mr. Arnett said they are on the last rungs of finishing up the Master Plan and their contract ends at the end of this month. He said he would like to review what's happened in the past, what is going on now and what will happen between now and the end of the month and then take any questions.

He said the first step of this 2 stage process was to get the zoning changed with the assistance of the M-TAG grant revolving around the old fire dept. site with an application to PLAN NH for \$18,000 to do the work on the zoning change for the downtown. He said his firm came up with \$4,500 of the \$7,500 in matching funds the Town needed to get the \$18,000 and has been pretty committed to making this process work.

Mr. Arnett said the second page of his handout contains the zoning changes that were revised by the Town Attorney and that the board voted a couple of times on some of those revisions. He said that the previous Planner Dan DeSantis and the Town Attorney disagreed on the language for form based codes and it was removed from the proposed zoning amendment because the Attorney thought it could leave the Town liable for some past decisions. They found language the Attorney could live with and after 3 or 4 revisions the board and Mr. DeSantis signed off on the amendments but something happened where the deadline for inclusion on the Town Meeting ballot was missed by 1 day and it did not get on the ballot. The downtown zoning was then adopted in 2020 he said.

Mr. Arnett said ADG Senior Planner Bill Parker put together 1 ½ pages from the Planning Board meeting minutes to show what happened, when and how many times an ADG rep attended meetings, etc. He said that Aug. 7, 2018 was the first time he met with this board and Mr. DeSantis and discussed the 2 year process. Right now we are at 22 of the 24 months and are a smidgen ahead of schedule even though the contract ends on June 30. Between now and the end of August we will be happy to make any revisions as it will be a PDF file he said.

He explained the "SA" refers to himself (Stu Arnett) and the BP refers to Bill Parker. He said Mr. Parker wrote that ADG met with the board 12 times and that Mr. Arnett was present at 11 of those meetings.

He said the last 2 pages are a draft of the cover of the Master Plan from a photo of a portion of Main Street downtown supplied by the Town and a page of acknowledgements with the information taken from the Town website-Selectmen, Planning Board, Town Administrator, Planner and Planning consultants ADG.

Mr. King pointed out that in the first line on this page the date for the Master Plan should be changed from "2016" to "2020".

Mr. Arnett said they have been a virtual shop for 14 years with the graphics person in Vermont, the senior planner is in Milton and the guy that did the survey results is in Maine. That is why you have seen small snapshots of things pretty consistently for over a year showing the same outline of the goals and objectives and it came together pretty well he said.

He said instead of the thick book full of charts that would quickly become obsolete they tried to skinny it down to get more bulleted statements in for better readability by the public and put in a lot of online links so as the data is updated by the different organizations the link will show the current data and not what was there when it was adopted. We are going to have a set of maps and 12 data reports compiled by the SRPC who has been a great partner and subcontractor in this he said.

Mr. Arnett said the board has not seen much of the last chapter on Economic Development because he has rewritten it four times. He said they are monitoring all of the changes going on in economic development and land use planning regarding re-shoring manufacturing, warehousing, autonomous delivery and commuting patterns to make sure they give them something that shows some of the major trends they see happening.

He said a part of the economic development strategy would be to look at the industrial park again which is a great site with good septic and is in a TIF district.

There will be a preamble saying we aren't sure about where these things are going and you need to be thinking about changing commuting patterns, delivery changes and the changes in size of retail outlets he said.

Mr. Arnett expressed thanks to the SRPC for their assistance and noted that the Town went nearly 6 months without a Planner which really set them back. He thanked the Selectmen for hosting them 3-4 times and that they had good conversations with them. He said there was a tremendous out pouring of citizen response to the survey and that he appreciated the hospitality shown to him by the Planning Board.

Mr. Pelkey asked if there would be historical data so comparisons can be made between one year and another.

Mr. Arnett said for example if they used the link to the employment security website they would have the current data and the historical data back to the "stone age". He said they would



also see a regional traffic study update done this year by the SRPC so the transportation study will show the new numbers instead of the old ones and there is housing research being done which they will make sure is included. He said they had to give them enough to meet the statutory requirements for 9 chapters with the data to back them up in the hard copy of the plan and then if you want to know more to direct the reader to another source. The final document will have attachments- the traffic study, the UNH study, the survey and the SRPC data reports he said.

Mr. King asked Mr. Arnett if he had a chance to review the Planner's memo with his thoughts on things could be addressed and if he disagreed with any of the Planner's recommendations. Mr. Arnett said he saw the memo and they are working on it.

Mr. King said on page 5 of the draft Master Plan there is a column with comments related to Chapter 2 on Land Use and one of the comments calls for the Town codes to be enforced and to get people to clean up their yards as it's a disgrace. He said negative comments shouldn't be included in a Master Plan document and it should be upbeat or point to things that the Town could work on.

Mr. Arnett said it is a matter of style and the Selectmen were adamant that the citizens' comments were to be included. He said they were concerned about anyone looking at it and asking if they were whitewashing it. He said they would be happy to remove the comments.

Mr. King read a second comment on page 25, Chapter 6, Housing development which says Farmington is a nice place to live but low income housing will negate this quality. He said that is an opinion and he didn't think it was true and based on the socio-economics of the town it should be considered.

He said another item the Planner picked up on was the word "objectives" was switched to "goals". He said that if Mr. Arnett didn't have anything he disagreed with to use the Planner's memo for guidance on the revisions.

He asked if the left side column with comments format would be used on every page or on just some of the pages.

Mr. Arnett said as you go through the document you will notice that some have comments and some pages don't have comments on them and some of them have photos that were cut in half and placed on the left side of the page. He asked if the board wanted them to pick visionary statements only for that column.

Mr. King said the plan will be in print for a long time and the comments are included with the survey information. He asked if an appendix was planned for some of this information.

Mr. Arnett said the attachments and all of the comments will be in the full plan.

Mr. Fisher said that in the Land Use Chapter under objectives it says Farmington over the next decade will encourage land use, will encourage residential cluster development and that these were positive action statements but under the natural resources objectives they should change the tense of "protects" to "will protect" and change "encourages" to "will encourage" for a

more positive sounding action. He said this carries through the document and questioned using “reasonable” land use regulatory action because if he was going to work on land use actions he would make sure it is reasonable and suggested removing the word.

Mr. King disagreed and said his opinion of what they were doing was reasonable because he understood it but other people could say they don’t agree and that it isn’t reasonable.

Mr. Fisher said saying they would do a job that is unreasonable is not a positive step toward showing that Farmington is doing the job they are supposed to do.

Mr. Arnett said one of the things they do say in the plan is that it is time for a zoning audit. He suggested they stake out the 5 things they think are important if they are going to do the zoning code and that is why it is meant to be a broad statement in that they want it to be reasonable and protect natural resources. What you are basically saying is here are the things we hope to see before we do the rewrite he said.

Mr. Fisher said that a lot of the action statements say the Planning Board will seek or the Town will encourage cooperation with the appropriate groups, organizations, etc. and that they need to assign the action steps to who is going to take the action.

Mr. King said it should be listed as to which group should take the action.

Mr. Fisher said a group or dept. could take the assignments and make a plan within that group.

Mr. Arnett said he thought it was reasonable to go back and identify the leader for the action steps and in some of the chapters they have done that. He suggested that a leadership team be formed which would consist of 1 person from a volunteer board or dept. head with a total of 9 members one for each chapter in the Master Plan and that group would report back to the Selectmen quarterly or twice a year so somebody is keeping an eye on each chapter. He said the Selectmen said that along with having an implementable plan they wished to get updates on the progress of the plan.

Mr. Pelkey said the section on the leadership team says the “Selectmen will, with direction from the Planning Board” and that he didn’t know they took direction from the Planning Board. Members suggested this be changed to “with assistance from” or “recommendations of” the Planning Board.

Mr. Pelkey said he only put aside about an hour and a half to read the document and it wasn’t enough time to complete it.

Mr. Arnett said the version the board was looking at is a week old and there is much more in it and they will get a new version at the end of June so they can close the contract.

Mr. Pelkey said before they receive the final draft at the end of June and close their contract he would like to provide some feedback on what he thinks is the final version of the plan.

Mr. Arnett said they would do things through August because they want to make sure the board is happy.

Mrs. Titus asked if the Town would be paying extra money to ADG until August or if it was part of the contract.

Mr. Arnett said they're fixed with the contract.

Mr. Pelkey said he reviews professional documents for a living and that he would like to get what they think is the final product and then he will give them his comments. He said in the conceptual phase of the plan when they talked about the ideas to be put in the plan and now that the ideas and the words are there at some point you will say this is what it's going to look like and I'm going to say there are 45 things I'd like you to change.

Mr. Arnett said the Planner has a copy of this draft plus another week's worth of content and is doing some editing on it already.

Mr. Vachon said at the previous night's Selectmen's meeting the board discussed this and the board is not happy. He said they would like to cut ties with the firm and find another firm to finish it in the way that they feel it should be finished.

Mr. King said he disagreed and that this is pretty late coming.

Mr. Vachon said in the Selectmen's eyes they're not happy with the draft because it doesn't address issues, doesn't appear to be workable and they are looking for a step by step resolution to resident's complaints within the chapters. It is not what they were looking for in a Master Plan and they are looking for a recommendation from the Planning Board as far as continuing with this Master Plan with this company.

Mr. King asked for further explanation of resolving complaints and if that meant the day to day residential complaints.

Mr. Vachon said he believed it meant such as if there is an issue such as with a business.

Mr. Pelkey said he saw this as laying down the basic concepts and ideas they are going to operate with going forward not to deal with specific complaints.

Mr. Henry said step by step items are subject to much more frequent review and change than a Master Plan. He asked for the typical life of a Master Plan.

Mr. Arnett said it is 10 years.

Mr. Henry said that process is something that they may want to update more frequently.

Mr. Arnett said there is a formalized process for appeals which is state law.

**Motion:** (King, second Henry) to have a meeting next Tuesday night and invite the Board of Selectmen to come to discuss this further;

**Discussion:** Mr. King said he didn't watch the Selectmen's meeting and some of this he was not aware of and before they go any further or give a change of direction to Mr. Arnett and the staff that they at least understand what the Selectmen's concerns are.

Mr. Vachon said there is no Selectmen's meeting on June 22 so Monday night is open.

Mr. Fisher said if he understood the Selectmen's comments correctly it's things like how people in town feel that we are not friendly toward new businesses and he did not know why there is that impression because he could not think of one business the board did not help to get approved. They wanted a step by step procedure to correct that impression and how we are going to fix the issues in this town. I believe they are looking for a plan to fix this town not a

plan to just reiterate what we already know he said.

Mr. Pelkey questioned if that belongs in a Master Plan. He said a meeting with the Selectmen is exactly what is needed because there seemed to be a lot of questions about what the Planning Board is supposed to be doing right now.

Mrs. Titus said she did not want to assume what the Selectmen are saying and that they should have them attend a meeting and discuss it with them.

Mr. Bridges said that a joint meeting could put them all on the same page.

Mr. King asked for the members' availability for Monday or Tuesday of next week.

Consensus of the board was to meet with the Selectmen either night.

**Vote:** The motion passed 7-0.

Mr. King said he would make a request to the Board of Selectmen Chair to have a joint meeting.

Mr. Henry asked how much time was needed to post the meeting.

Mrs. Titus said the notice of a meeting must be posted 48 hours in advance of the meeting.

Mr. King said hopefully they can have the joint meeting next week and urged Mr. Arnett to continue on his current path.

Mr. Pelkey asked for the RSA where the requirements for a Master Plan are found.

Mr. Arnett said it is listed in the draft document (RSA 674:2).

Mr. Henry asked if they wanted to invite Mr. Arnett to the joint meeting next week.

Consensus of the board was to not invite Mr. Arnett to that meeting.

Mr. Henry said he would like to hear what the Selectmen want and that there needs to be an outline of how they get from Point A to Point B and a set of plans. He asked if that was a typical approach to a Master Plan or does the master plan outline where you want to be and it is left elsewhere to figure out how to get there.

Mr. Arnett said they start on the process of how to get from where you are to where you want to be (leadership group, expanding TIF Districts, zoning audit etc.) and it would go beyond their prerogative to say how much they should budget for the next 3 years or who should be hired or fired. He said he tried to be specific in the action steps so they could say it was a good idea or a bad idea.

Mr. Fisher said he liked the Planner's idea of breaking the action items into a table with the timeframe and responsible party. That gives a good plan without going into specifics which can be cumbersome in a Master Plan and it tells the Planning Board to review the plan annually and lets them decide how to review it he said.

Mr. Pelkey asked if this is the last time the board would see Mr. Arnett.

Mr. Arnett said that is a good question as he didn't think that would be in question. He said he didn't need to meet with them between now and the submission of the final product but would be available for a 13<sup>th</sup> meeting with the board if needed.

Mr. Pelkey thanked Mr. Arnett for his efforts and the work he has done on the Master Plan and that he appreciated how easy it was to work with him and Bill Parker and how responsive they

were to the board's questions.

Mr. Arnett said anything the board wanted him to look at anyway they want to get it to him they will look at.

Mr. King thanked Mr. Arnett for attending the meeting.

**Excavation Permit Update** – Mr. King said the Town has received a Public Hearing request on this matter which the board will address in July. He said he did not know if this is the same excavation they discussed at a previous meeting.

Mr. Henry asked if the Planner should be invited to the meeting next week.

Mr. King said the Planner should be invited to that meeting.

Mr. Henry asked if it would be appropriate to bring up issues at that meeting that were brought up tonight.

Mr. King said he intended to discuss those issues as well.

**Storage Containers**- Mr. Vachon said at last night's Selectmen's meeting the issues about ground level storage containers not being legal and not grandfathered was brought up and he was asked to bring it to the Planning Board. If you had one on your property for 20 years and suddenly we change the law now you're taxed with finding the money to dispose of said storage container he said.

Mr. Bridges said he brought this issue to Selectmen last night on behalf of a neighbor.

Mr. King said this issue was a recommendation made by code enforcement 2 years ago about how to deal with this and that board agreed with it and it got put before the voters and it got voted in. He said he didn't agree with it but it got voted in because it was a recommendation from staff. He said he did not know if it is legal to not allow grandfathering of the containers and this is a question for legal counsel.

Mr. Bridges said his neighbor wants to build a house on this property and this container has been on the property for 8 or 10 years and the CEO told him he couldn't have a building permit for the house until he removed the container from the property.

Mr. Vachon said it rubbed him the wrong way that now he has to pay to have the container removed after it has been here for 20 years and if you don't they will fine you and put a lien on your property just because we changed the rules. He asked what the avenue would be to get some clarification if it's nothing that the board did.

Mr. King said when the Planner is at the next meeting they should formulate a question for him to ask legal counsel regarding this and grandfathering.

Mr. Bridges said he was told that when it was changed it was not specified if it could be grandfathered so it is not grandfathered.

Mr. King suggested they get a legal opinion to proceed with, look at the interpretation and then make a decision if it needs to be changed. He asked if somebody cited the section of the ordinance that says it's not grandfathered.

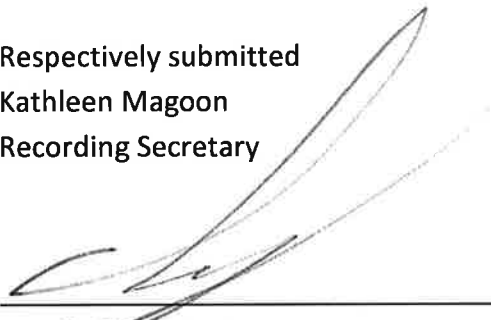
Mr. Vachon said the section was not cited and it was stated by the Town Administrator that there is no grandfathering for the containers.

Mr. Henry said they are allowed if they are included on an approved site plan.

**Adjournment:**

**Motion:** (Titus, second Bridges) to adjourn the meeting passed 7-0 at 7:30 p.m.

Respectively submitted  
Kathleen Magoon  
Recording Secretary

  
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Charlie King, Chairman