



Planning Board Meeting
Monday, October 24, 2016 7:00 PM
Council Chambers, City Hall

MINUTES
Approved 11/14/2016

Vice-Chairman Bruce Kolenda called the meeting to order at 7:00 PM.

I. **Roll Call**

Present: Marilyn Harris, William Greenrose, Bruce Kolenda, James Short, Charlene Lovett, Victor Bergeron, Marlene Jordan, David Putnam, Rois Neil Ward, Jr., Richard Wahrlich (arrived late)

Absent: Nicholas Koloski

City Staff: Michael McCrory, Interim City Planner

Mr. Kolenda asked Mr. Ward to sit in for Mr. Wahrlich.

II. **Review of Minutes – October 10, 2016**

Motion: To accept the minutes as complete

Made by: Mr. Short **Second:** Mr. Greenrose

Vote: Unanimous in favor

III. **Old Business**

There was no old business.

IV. **New Business**

a. **Work Session: Planning Board Rules of Procedure – Bylaws**

Mr. McCrory said he wanted to go through the bylaws with the board and discuss their thoughts about them. He said that the bylaws would likely be the second set of regulations amended by the board following the site plan regulations.

Mr. Greenrose said he noticed a couple items missing in the section on hearings and asked if this is meant to be the complete guide to Planning Board hearings. He said, for example, the bylaws mention nothing about the Board's standard practice of voting on whether a plan is complete or not before moving on to review it. He asked if that level of detail should be in these bylaws or not. Mr. McCrory said that's something that should probably be in the bylaws.

(Mr. Wahrlich joined the meeting and assumed the chair.)

Mayor Lovett asked if “Bylaws” and “Rules of Procedure” are the same thing. Mr. McCrory said it was a good question and that he had been having a discussion with office staff that maybe they should be called Rules of Procedure and not Bylaws. Mayor Lovett said the NH OEP Planning Board Handbook refers to them as Rules of Procedure. According to the Handbook, the Rules should be able to answer a number of questions that the current Bylaws do not. She said she used the Handbook as a guide in her review of the current Bylaws.

Mr. McCrory asked the Mayor to give some examples of those questions. Mayor Lovett said the Rules should describe how minutes are recorded and made official, placement of public notices, when alternates may participate, requests for altering order of business, the organization of the Board, delegation of certain tasks, swearing in of members – a lot of these procedures are not in the current Bylaws. She said there is nothing on how to participate in meetings via teleconference or video conference.

Mr. Short added that the Bylaws are not detailed enough.

Mayor Lovett suggested using the OEP Handbook as a guide to amending Board's current Bylaws – that the Handbook represented the Best Management Practices as it contains all of the information discussed in the Handbook. Mr. McCrory agreed that the OEP Handbook could be used as a model.

(Mr. McCrory took a moment to make copies of the Handbook for those who didn't have it.)

Mr. McCrory said that there are things in the Bylaws that are specific to how Claremont operates and gave specific examples. The process for revoking a site plan should be described and added to the Bylaws.

Mayor Lovett said this discussion is an opportunity for the Board to become much more familiar with its resource materials and make it a better Board.

It was agreed that the members would review the two documents and come prepared to suggest changes at the next workshop session on November 28th.

Mr. McCrory said that in the past, the staff set the meeting schedule for the Board annually and then shared it with the Board. He said he would like to change that so the schedule is created and presented to the Board for adoption, probably at the first meeting in January when officers are elected. The schedule for the remainder of 2016 has been changed because the state law changed. The period of time in advance of a hearing that an application must be submitted has been increased.

Mr. McCrory said that the current Bylaws are in effect until such time as they are amended.

Mr. Kolenda said there is nothing mentioned in the OEP Rules about alternates sitting in for the Mayor. He questioned if any alternate can sit in for an ex-officio. The Mayor said no,

the chair has to appoint an alternate who is designated as an ex-officio alternate. Mr. McCrory agreed and said the Bylaws should contain that level of specificity.

Mayor Lovett asked how the Board keeps track of absences as required in the current Bylaws. Mr. McCrory said he did not recall any tracking of absences during his years of working with the City. He asked if this is something important for the Board to keep track of and how it would be done. The members discussed the pros and cons of tracking attendance.

Mayor Lovett said the Board has rules for clarity, consistency, and guidance when/if a situation becomes problematic. The rules are not a punishing tool. They enable the Board to be its most effective and allow the Board to do the job it's supposed to do. The Board does not want to be in a position of inhibiting progress. A lot of applicants come before the Board wanting to get things done and the Board's job is to ensure that expectations are clearly defined, the Board knows what it's doing, and the Board executes. She said she didn't want any rules just for the sake of having them; but she also didn't want rules that the Board would not follow (e.g. keeping attendance).

Mr. Putnam said there have been occasions when there was no quorum to hear an application and this reflects on the City. It speaks to the Board's integrity. He said he hoped that this discussion will set an example to all of the other organizations in Claremont.

Mr. Greenrose pointed out that the current bylaws call for alternates (who are not serving at a meeting) to leave the table and sit in the audience during the Board's deliberations. This is not practiced by the Board now. He agreed with the Mayor in that whatever the Board decides to keep in the rules of procedure, the Board will agree to follow.

Mr. McCrory pointed out that are instances in which a Board member should leave the table – specifically when a Board member has a conflict of interest.

Mr. Putnam said that if an alternate is appointed to serve so that there is a quorum, but then is not allowed to vote, then there won't be a quorum to vote. Mr. Bergeron said that when an alternate is appointed to serve at a meeting, they are considered a full member of the Board for that meeting and they have full voting privileges. Mayor Lovett said that allowing non-voting alternates to participate in Board discussions is a way of helping alternates become more effective members.

Mayor Lovett pointed out that the Handbook cites the appropriate statutes as reasons for doing certain things in a certain way, which she finds very helpful. She said the Board's rules should be backed up by statutes and not be arbitrary.

The Board returned to discussing alternates – when they are appointed (at what point in the meeting), where they sit, etc.

Mr. McCrory said the Board would return to the discussion of the Site Plan Regulations at the second meeting in December. He said he would provide the Board with copies of the draft without the strike-outs.

V. **Reports from Boards and Commissions**

Mr. Putnam said that the Master Plan Steering Committee (MPSC) had received the draft copies of the Energy and Natural Resources chapters at their last meeting. The committee spent some time discussing how they would review the chapters in a consistent manner. The committee made suggestions and recommendations on both chapters and sent them back to their respective subcommittees.

VI. **Other**

Mr. Bergeron asked everyone that's attending the upcoming NHMA conference to watch for anything that might help with the topics currently being discussed by the Board.

Mayor Lovett asked about the recent site visit to 154-156 North Street. Mr. McCrory asked that the Board hold off discussing it as it was not an agenda item for this meeting. The Board will have the opportunity to discuss the case at the November 14th meeting. Mayor Lovett asked if the Board members who attended the site visit will be submitting their comments to the rest of the Board before the meeting. Mr. Kolenda said he had attended the site visit and had given all of his comments to Mr. McCrory. Mr. Bergeron said he had attended as well. He and Mr. Bergeron will make sure that their comments and concerns are contained in Mr. McCrory's memo.

VII. **Correspondence**

The latest issue of the "Waterlines" newsletter had been received.

VIII. **Adjournment**

Motion: To adjourn the meeting.

Made by: Mr. Putnam **Second:** Mr. Greenrose

Vote: Unanimous in favor

The meeting adjourned at 7:55 PM.

Respectfully submitted,

de Forest Bearse