



PLANNING BOARD MEETING
Monday, November 28, 2016 7:00 PM
Council Chambers, City Hall

MINUTES
Approved 12/12/2016

I. Roll Call

Present: Richard Wahrlich, James Short, Charlene Lovett, Victor Bergeron, Marlene Jordan, David Putnam
Absent: Marilyn Harris, William Greenrose, Bruce Kolenda, Nicholas Koloski, Rois Neil Ward, Jr
City Staff: Michael McCrory, City Planner

II. Review of Minutes

a. November 14, 2016

Motion: To accept the minutes as complete

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

Mayor Lovett asked that the word “property” be changed to “lot size” under item B, page 4, 2nd paragraph after the Planner’s Report.

Vote: Unanimous in favor with the change.

III. Old Business

Mr. Putnam asked if a site drawing (showing parking, snow storage, dumpster, etc.) could be added to the list of submissions (for special use permit applications). Mr. McCrory said that a goal of the City Center group had been to keep submission requirements to a minimum (for special use permits, which were created by the work of the City Center group). He said this goal would have to be revisited to change the submission requirements, but he didn’t see a problem with doing that.

Mr. Wahrlich asked if the drawing could be just a simple outline of the lot with the requested items drawn on it. Mr. McCrory said the only way to consistently regulate where the parking would be is through the site review process. He said currently the city encourages people not to park on their lawns through whatever means are available (e.g. property maintenance codes) to discourage such practices.

Mayor Lovett said parking on the lawn is prohibited by city ordinance. She said the question is what can be done to ensure that it is enforced other than what is already being done through code enforcement in the Planning & Development Department. Mr. McCrory said the Department does what it can with the tools available.

IV. New Business

a. Work Session

1. Bylaws/Rules of Procedure

Mr. McCrory presented a draft version of the Rules of Procedure, one that was based primarily on the model Rules of Procedure found in the OEP Handbook and modified to fit Claremont. He went through the draft with the board, explaining his methodology. He said he focused on organization of the document and consolidation of information from various places.

The OEP Rules of Procedure contains sections about preliminary review and applications for subdivisions and site plan review. He said these will all be addressed in the site plan regulations, that he would rather have things stated in one place rather than in two. That is why they have not been included in this draft of the Rules. He said by law, those applications have to be contained with their procedures anyway. He added that when having items in multiple places, there is a risk of missing something whenever any of those items are changed.

Mayor Lovett said the OEP Rules of Procedure are presumably based on best practices. Therefore, she felt it would be best to put a marker in the Rules of Procedure of where to find the applications for subdivisions and such, rather than just remove them. Mr. McCrory said he could reference forms, cross reference site plan regulations, and provide RSA citations in Article VI.

Mayor Lovett asked why the section entitled, "Reconsideration", had been removed. Mr. McCrory said that this provision is conditional – not required – in state law. He explained that this process can be employed when a board member wishes to revisit a decision because something was missed or when someone raises an appeal. The reconsideration must be within the 30-day appeal period. This is not something that the Claremont Planning Board has employed in the past. He said currently appeals go directly to Superior Court.

Mr. Putnam said that if we have a reason for reconsidering our decision, then we should be able to back it up with something within our site plan regulations expectations – if it is something we missed that is already in our rules. Otherwise I don't see how we can justify legally saying "we are reconsidering this". He said this should not be a personal reason. He said it should be something in our codes that we follow.

Mayor Lovett said she thought it is always good to have a mechanism in place where a board can reconsider a decision, because there are circumstances where some new information can come about that may not have been available at the time of the board's decision-making process. She said she didn't think the board should feel it is infallible in its decision making; that that is not a good way to govern.

Mr. Wahrlich said he was uncomfortable with the board being able to decide to reconsider a decision because it missed something. He said if the applicant wants to appeal a decision they are able to do so. He said appealing and reconsidering are the same in his mind. He felt it would be difficult for the applicant to have the uncertainty of the board coming back to reconsider its decision once the decision had been made.

Mr. Putnam said the board is obligated to reconsider a matter if it is a good cause; that to not do so might set a precedent.

Mr. McCrory said he views this provision as a safety valve. He said the planning board operates differently in its appeals than the zoning board. Zoning board decisions are appealed back to the zoning board itself and the board decides whether or not to have a hearing. The planning board reconsideration is not such a formal process (although it could be made so). He said he understood

Mr. Wahrlich's concern. If the board decided to reconsider a decision, it would conduct a public hearing. He gave this scenario – meeting #1, the decision is rendered; meeting #2, someone comes forward with a reason to reconsider that decision; that's when the board would decide if it is "good cause" and proceed to scheduling a hearing to be publicly noticed. The city then bears the responsibility for the public notice. The board then decides to maintain, alter or reverse its decision.

Mayor Lovett said she wanted to learn more about why the provision for reconsideration is considered a best practice for planning boards. The other board members agreed.

Mr. Putnam asked for greater clarification regarding the collaboration/communication between the Technical Review Committee and the planning board. Mr. McCrory said that Section 2-120 of the City Code, which is referenced in the section of the Rules of Procedure on the TRC, provides that clarification. Mr. Putnam said it does not provide clarification of what "assist" or "advise" mean and it needs more on accountability. Mr. McCrory said he would look into it.

Mr. Bergeron said this was created to allow for minor modifications of approved site plans with a report provided to the Planning Board. He said, "Now, a couple of years later, to put more authority on top of them because we are afraid someone is going to do something we don't know about – to me is ridiculous. We did this for a reason." He said he didn't think all of the wording needed to be repeated in the Rules, "because someone doesn't want to get the City Code and read what it means." Mr. McCrory agreed – the intent is not to add more obstacles, but he could see the logic in further defining what the TRC is. Mr. Bergeron said he was not at all concerned that someone from the planning board was going to do something they are not supposed to.

Mayor Lovett said that the model Rules mention that members of the board are residents, but it is not mentioned in Mr. McCrory's draft. Mr. McCrory said the residency requirement is mentioned in section 2-226 of the city code. He said he would add it to Article 2 of the draft Rules.

Mayor Lovett said the Council has adopted the practice of allowing participation by teleconference so long as there is a physical quorum. She felt the planning board should do the same. Mr. McCrory said it could be included under "General Rules". The other board members agreed that it should be included.

The discussion ended there. Mr. McCrory encouraged the board members to email to him any additional changes or comments they might have and he will come back with another version.

Mayor Lovett thanked Mr. McCrory for the time and effort he put into the draft rules, a sentiment that was repeated by the other board members.

Mr. Wahrlich asked Mr. McCrory when he anticipated the board would be able to vote on the new Rules. Mr. McCrory said he had to get it to the City Attorney for legal review. Mr. Wahrlich asked if that was before or after the board votes on it. Mr. McCrory didn't know. Mr. Wahrlich said it would be nice for the board to know when it has been submitted for legal review so the board doesn't forget where it is. Mr. McCrory said he would give it back to the board to review one more

time and then pass it on for legal review with a request to have it back by a certain time. Mr. Wahrlich suggested adding a letter asking for some form of expectations. Mr. McCrory said that could be done (though it had never been done before). Mayor Lovett said it would be great to have it to start off the new year, by the end of January. She said it is critical to economic development that the planning board and zoning board are operating as efficiently and effectively as possible and therefore it would be given priority (hopefully).

2. 2017 Work Plan & Schedule

Mr. McCrory said he is working on a regular work schedule for work/training sessions. He said it will be a busy spring for the board as drafts of the updated master plan chapters will be submitted soon. Work will continue on the Rules of Procedure and the site plan regulations. He asked the board to tell him if there are specific topics the board wanted training on and he will try to fit it into the schedule.

Mayor Lovett said she would like to know what the process is for when individuals are not in compliance with site plans.

She also asked what the goals are for the city's housing stock. She said she did not think the board can review applications fairly, with neutrality or consistency if the board does not understand what the "master plan" is for the housing stock. She said the current Master Plan gives data on the current housing stock, but it does not give any indication of what the city is working toward – what is the ideal situation for the city to grow economically. She said it may appear in the Master Plan update, but she felt it was important for the planning board to have that discussion. What is a "healthy mix" and how do we achieve it (if we are not already there). She said there are other issues that arise when the board gives approvals for the conversion of single family homes to multi-family.

Mr. Putnam said the work on the housing chapter will be starting soon and urged Mayor Lovett to attend some of those meetings. He said dealing with poverty requires a certain kind of housing while economic development requires "work force" housing (term supplied by Mayor Lovett) or "appropriate housing that would create the right kind of conditions that would attract new employees coming here." He said it is a "very, very complicated subject for our community". He said Claremont has a very diverse population with diverse housing needs.

Mayor Lovett said maybe the board should invite someone from the state who has expertise on this. Mr. McCrory suggested the needs assessment and housing chapter in the Regional Plan. He said as far as the Master Plan update, the board can provide direction or respond to the draft. Mr. Putnam said the current model is that the chapters are written by the subcommittees and he was concerned about the planning board changing that process.

Mr. Wahrlich said he felt this was something the Master Plan has to go through first, and then it would be presented (to the board). He suggested that Mayor Lovett should write a letter or attend the meetings if there are concerns. He said the plan should reflect what has been received from the public. Mr. Putnam said the subcommittees and steering committee rely on more information than what was provided by the public forums, e.g. what is in the current Master Plan for expectations and goals, input from the department heads and administrators.

Mr. Short cited the fact the Claremont's housing stock is fairly old with all of the consequences that entails.

Mr. Bergeron said that if there is anything in the Master Plan that the majority of the boards member disagree with, it gets sent back. He said he hoped the plan would not be sent to the board all at once. Mr. Putnam said the individual chapters would be sent to the board once they have been accepted by the Steering Committee.

Mayor Lovett said her third request for a workshop topic is how communities deal with absentee landlords and associated concerns.

V. Reports from Boards and Commissions

VI. Other

Mayor Lovett had asked at the last meeting for the board to consider writing a letter of support for the bus service and the board had asked for more information. She provided the board with copies of the bus service's budget (showing where they are getting their money from and what the shortfall is – just above \$59,000) and the new bus schedule. She said the company is making the rounds of the participating communities and the county looking for increased financial support. They have said that if they cannot make up the \$59,000 shortfall, they will be unable to continue the bus service. She wanted the board to consider that having public transportation is part of the Master Plan. She said the company will be seeking a decision from the Council on December 14th. The next meeting of the board is December 12th.

Mr. Wahrlich asked if the Mayor had any data on participation. Mayor Lovett said she could provide that.

Mayor Lovett read pertinent sections of the Plan that clearly indicate the Plan's support of public transportation and the goal of supporting it.

Mr. Bergeron said he didn't have a problem with writing a letter supporting public transportation. The other board members agreed. Mr. McCrory said he would draft a letter that refers to the Master Plan.

Motion: That we approve of drafting a letter of support, acknowledging the language in the Master Plan for public transportation in the City and county.

Made by: Mr. Putnam **Second:** Mayor Lovett

Vote: Unanimous in favor

VII. Correspondence

VIII. Adjournment

Motion: To adjourn the meeting.

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

Vote: Unanimous in favor

The meeting adjourned at 8:40 PM.

Respectfully submitted,

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