

SELECTMEN'S MEETING

Minutes of the Joint Planning Board and Select Board Meeting October 11, 2012

Present: Eric Sandberg, Julia Lennon, Priscilla Williams, Dennis Dellagrecia, and Mike LeDoux, and Dave Upton for the Planning Board; Susan Hansel, Maury Collins and Dave Upton for the Select Board.

Members of the public present were Karen Tolman, Barry Tolman, John Cucchi and Mike Blaudschun

Lisa Murphy from the Southwestern Regional Planning Commission was present as a guest of the Planning Board.

Chairman Sandberg called the meeting of the Planning Board to order at 7:06 pm. Immediately thereafter Dave Upton called the meeting of the Select Board to order.

Lisa Murphy discussed the concepts of "Grandfathering" and "Permissiveness" as they may impact zoning ordinances. Please see the Planning Board Minutes of this meeting for the details of this discussion.

Following the discussion with Ms. Murphy, Dave Upton explained the reason for asking the Planning Board to review and comment on the application for a Building Permit submitted to the Select Board by Tom and Mary Congoran. Dave explained that access to the Congoran property is from Miller Drive, a private road, and that the Select Board was asking the Planning Board for comment pursuant to NH RSA Section 674:41 I. (d). After a brief discussion, Eric stated that, in his opinion, since both Miller Drive and the cottage owned by the Congorans, existed prior to both the enactment of RSA Section 674 and Article 12 of the Nelson Zoning Ordinances, that there was no need for the Planning Board to take any action in this matter. Without objection, the Planning Board agreed with Eric's opinion.

Eric then indicated that he would like to adjourn this meeting of the Planning Board and to ask that the members be prepared to discuss improvements in the policies and procedures of the Board at their next meeting. The Planning Board meeting adjourned at 8:20 pm. The members of the Planning Board and many members of the public left at that time.

At this time, the Select Board continued its meeting. Present were Susan Hansel, Maury

Collins and Dave Upton. Members of the public who remained for a portion of the Select Board meeting were John Cucchi and Dennis Delegreca.

The Select Board meeting began with a lengthy discussion on how meetings should be conducted in order to assure their best possible effectiveness. No action was taken to make any changes in already existing practices.

Next, the Board discussed the content of the Congoran's Waiver of Municipal Liability. Susan noted that references to Class VI Highways remained in the document in the title and in Paragraph 3 on Page 1. Maury observed that the phrase "less than Class V Highway" in Item 3. on Page 2, could lead to confusion, i.e., does "less than Class V" mean Class IV or Class VI? Susan moved that all references to either Class V or Class VI Highway, in this document, be replaced with the term "Private Road". Maury seconded the motion. The motion carried by unanimous vote.

Next came a motion by Dave to approve the application for a Building Permit for Thomas and Mary Congoran on Miller Drive (Road) to construct a "mudroom" off the rear of the house and entrance steps with a landing off the existing porch. This approval to be contingent upon the proper recording of the Hold Harmless notice as presented by the Congorans and amended by the Select Board, 10/11/12. Said recording to take place at the Cheshire County Registry of Deeds. The motion was seconded by Maury and adopted by unanimous vote. At this time, all Board members signed the Building Permit and noted on it that their approval was contingent upon the proper filing of the Hold Harmless agreement as amended.

On a related subject, the Board discussed the general topic of issuing future Building Permits for structures accessed from Miller Drive. The motion was made by Susan to approve the issuance of Building Permits on Miller Drive (Road) for any property meeting all requirements including, but not limited to, a Hold Harmless notice that has been recorder at the Cheshire County Registry of Deeds. Maury seconded this motion. The motion was carried by unanimous vote.

On a different subject, Dave acknowledged that he had made an error in drafting the memo regarding compliance with RSA 91-A, the Right-To-Know law, in that the minimum time required for the posting of a public meeting, prior to its occurrence, is 24 hours not 48 hours. Motion was made by Dave that this compliance memo be amended to change the minimum prior posting time for a meeting from 48 to 24 hours. The motion was seconded by Maury and adopted by unanimous vote.

The Board then discussed the setting of a deadline for all agencies of our Town government for submitting their proposed budgets for 2013 to the Select Board. Maury moved that this deadline be set at November 30, 2012. Susan seconded this motion and

it was adopted by unanimous vote. The Board will ask Edie to forward this notice along with the compliance memo, described above, to all agencies of our Town.

There being no further business, a motion by Maury to adjourn the meeting was seconded by Susan and approved by unanimous vote. The meeting adjourned at 9:58 pm.

Respectfully submitted,

Oct.11, 2012

David Upton, Chair

Maury Collins, Selectman

Susan Hansel, Selectman