

# Orford Planning Board

July 17, 2017

Board Minutes

Approved August 21, 2017

## Present

- *Committee Members:* Jim McGoff (Chair), Kelley Monahan (Vice Chair), Dave Smith (Select Board ex officio), Paul Carreiro, P. Chase Kling, Deb McGoff, Tom Thomson, Mark Burger (alternate), Sam Hanford (alternate)
- *Committee Members not present:* John Adams (Select Board ex officio alternate)
- *Public:* Jordan Sutherlin, Stacie Marshall (recording secretary)

**7:00 PM: Jim called the meeting to order.**

Chase asked Jim about two items he noticed missing from the agenda: review of the July 6, 2017 meeting minutes; and the Board's review of the draft report on Stacy Thomson's gravel pit.

**Mark moved to amend the evening's agenda to review the meeting minutes from both the June 19, 2017 and July 6, 2017 meetings. Dave seconded; the motion passed unanimously.** The Board agreed to review the draft report on Stacy Thomson's gravel pit in its August meeting.

## 1. [Review of June 19, 2017 and July 6, 2017 Planning Board meeting minutes](#)

**Paul moved to accept the June 19, 2017 minutes as submitted; Tom seconded. After determining that the group had no comments or edits, the motion passed unanimously.**

**Paul moved to accept the July 6, 2017 special working meeting minutes as submitted; Kelley seconded.** Chase asked about the pending action related to the Groff subdivision. Tom suggested asking the Road Agent about the missing permit, and Jim concurred. Chase recommended checking the Board's cabinet for the missing perimeter survey. The group agreed to wait for Roger's feedback, and then craft a letter to the Groffs requesting a status update if the conditions of the Board's approval of the subdivision application are still unmet. **Jim called the vote to approve the July 6, 2017 minutes; the motion passed unanimously.**

## 2. [Planning Assistance contract review](#)

- [Upper Valley Lake Sunapee Regional Planning Commission \(UVLSRPC\) Circuit Rider Agreement](#)
- [Resilience Planning & Design LLC](#)

**Paul moved that the Orford Planning Board engage Resilience Planning & Design LLC for planning assistance with a scope of duties and fees as noted in their July 10, 2017 engagement letter. Deb seconded.**

Kelley mentioned that she had checked with two contacts, only one of whom was included on Resilience's references list, and both were very positive about their experiences with Resilience. Chase reiterated the importance to the Board of access to professional assistance, and noted that the group's relationship with UVLSRPC has deteriorated in the recent past. He felt strongly that whatever the Board chose to do, it should be prepared to dedicate time and resources to building a strong and lasting relationship with the planning assistant. The group discussed the possibility of the

Select Board not approving the change in providers of planning assistance. Dave confirmed that he had raised the issue with the Select Board, and that they strongly supported the Planning Board's need for professional assistance. Given recent events around flooding, the Select Board has cut back on non-essential spending, but Dave felt that planning assistance would be seen as essential.

**Jim called the vote; the motion passed unanimously.**

Dave agreed to ask for approval from the Select Board in its upcoming Wednesday meeting, and will then update Jim and Kelley who can communicate with Steve Whitman at Resilience. The Board discussed how UVLSRPC should be notified, and whether the communication should include reference to the deteriorating relationship. Dave cautioned the group against burning bridges, and suggested that communication should be via letter, rather than phone call, both because a letter can be written thoughtfully, and also because it will serve as documentation of the suspension of the relationship. Tom agreed to work with Jim in drafting the letter. Kelley volunteered to work with Monique to remove references to UVLSRPC on the Planning Board's section of the town website. Adding website references to Resilience will be postponed until the Select Board has given its final approval and Liz Kelly can be brought up to speed on the Board's processes and policies.

### 3. Securing Access to Documents

- Update on securing keys from prior Planning Board Chair
- Update on request for changing lock on Planning Board closet

Kelley shared that she had reached out to Ann Green again as promised, and that Ann reiterated that she is not in possession of the keys. During Kelley's exchange with Ann, John Adams confirmed his belief that only one set ever existed. Chase discovered that Sheri is of the same opinion and that in the past, the Chair was expected to transfer the keys to the Vice Chair if s/he was unable to attend a meeting. The Board agreed that Jim should have Fogg's make one copy of the keys for Kelley, and that the closet lock did not need to be changed.

### 4. Master Plan – Action Plan

- Discussion to establish goals and objective
- Review of required steps and establish dates for public meetings
- Assign responsibilities

**Paul moved to table the master plan discussion; Kelley seconded. The motion passed with Jim, Deb, Tom, Paul and Kelley in favor and Dave and Chase opposed.**

**Paul made a motion to move the New Business and Public Comments agenda item ahead of Mail and Correspondence; Deb seconded. The motion passed unanimously.**

### 5. New Business and Public Comments

**Paul made the following motion; Deb seconded: Does the Orford Planning Board support the Select Board's backing of these documents' goals as consistent with the town's Master Plan:**

- 1. Community Development Block Grant (CDBG) application – Orford Academy Building**
- 2. AHEAD Housing and Community Development Plan for the CDBG – Orford Academy Building**
- 3. AHEAD Residential Anti-Displacement and Relocation Assistance Plan for the CDBG – Orford Academy Building**

Chase recalled the history of the issues around plans for the academy building, relaying that discussions began a year ago in May when Ann Green asked the Planning Board to approve the

related Housing and Community Development Plan. He recalled that the motion was tabled for insufficient information the first time it was presented, and was defeated 4 to 1 when it was presented again. He sensed that the Plan required two things from the town: 1. endorsement of a developer's efforts, which Chase felt was always dangerous for a town to do; and 2. use of the proposed Community Development Plan as an update to the Master Plan, though updates to the Master Plan require legal notice and should involve public hearings and information-gathering. Chase wasn't aware of any further efforts to push the project since that last Planning Board vote, however. After Jim relayed that a number of Planning Board members attended and spoke at the July 12, 2017 public hearing to discuss the AHEAD proposal, Chase expressed concern, asking whether members in attendance had announced that they were acting on behalf of the Planning Board. He cautioned the group that expression of personal opinions in a public forum could result in the need to be recused from future Planning Board votes relating to the issue.

Kelley reminded the group that per section 2.02 of the Town's Subdivision Regulations, examples of actions that require Planning Board approval include "the construction or placement of any additional separate dwelling units on a single lot" and "the development of condominium units whether they are in an existing or new structure." Kelley also cited a discussion with an Office of Energy and Planning (OEP) Senior Planner who felt that the Planning Board did, in fact, have authority over the decisions under consideration related to AHEAD's proposal. Kelley stated that when she shared this feedback, the Select Board was not inclined to pursue the matter with OEP.

Mark stated that while the town seemed to generally support the idea, some resistance stemmed from the process that has been followed and the Planning Board's exclusion. His concerns centered on the fact that the contract in question is between AHEAD and the school. He was unsure what authority the Select Board had to review the terms of the agreement, and hoped that RSAs are sufficient to cover the risk to the town of moving ahead.

Paul noted his observation that a minority of people chose to attend the meeting, and that many were either involved in the task force, or were not Orford residents. He cited documentation related to the proposal, which state that the project's goals are consistent with the Master Plan and local ordinances. Paul felt this put the project in the purview of the Planning Board, since the Board is responsible for the Master Plan. The Master Plan's stated goal with regard to housing is "the continuation of the mix and balance that exists today." Paul noted that no data had been collected or presented that indicated that this stated goal had become outdated. He also cited the table showing responses to the housing question collected in a public questionnaire as part of the last Master Plan update, which showed general disfavor with condominiums, apartment buildings, and the conversion of large homes to apartments.

Chase reminded the Board that the Master Plan is not a binding legal statute or ordinance, but that it is simply intended to document the town's shared vision for future evolution. He warned that attempting to use it otherwise could result in legal action against the Board.

Jim disagreed, and also emphasized his disagreement with Town Attorney Bernie Waugh's opinion that the Select Board has the legal authority to act.

When Paul asked about the detailed application materials and related data that should have been submitted by AHEAD as part of their proposal, Dave confirmed that he did not recall seeing these materials. He also indicated that some information had been submitted to Select Board members late in the evening the day before the public hearing.

Tom recalled an earlier meeting he had attended on the topic of the Academy Building, during which he asked specifically about the situation where grandparents living in the Academy Building take on one or more grandchildren, who then attend Rivendell. He was told that the \$21,000 per year tuition would be the responsibility of Orford taxpayers. Like the other Board members, he expressed his concern that the Select Board did not involve the Planning Board in their decision.

Deb shared her experience, stating that HUD housing cannot be limited by age, and that she has seen issues with enforcement of non-smoking and other regulations in these types of establishments.

**Jim called the vote, with Paul specifying that a vote in favor indicated support for the Select Board's backing of the aforementioned documents' goals as consistent with the town's Master Plan. Chase voted in favor; Jim, Dave, Deb, Tom, Paul and Kelley voted against. The motion failed.**

**Paul moved to draft and send a letter acknowledging the Planning Board's vote to AHEAD, the Select Board, the Rivendell School Board, the Academy Task Force, the Community Development Finance Authority, State and Senate Representatives, and the Governor's Council. Tom seconded. Jim, Deb, Tom and Paul voted in favor; Chase Dave and Kelley voted against. The motion passed.**

**Tom moved that the Planning Board request from the Select Board all documents relating to this project. Deb seconded.**

Chase asked that the Board consider the expense to the town, and recommended that Board members view the documents, which are a matter of public record, on their own time. Jordan suggested that the Planning Board approach the Select Board to request time on a future meeting agenda to discuss the current concerns. Dave thought Jordan's idea was good, and even though it was too late to inform decisions related to the AHEAD plan, discussions with the Select Board would be useful for similar situations arising in the future. Paul agreed that a discussion to clarify responsibilities would be useful. He thought that scheduling a meeting chaired jointly by John and Jim would be more effective than asking the Planning Board to attend a regular Select Board meeting. Chase reminded the group about what the Select Board has been facing this month, and urged compassion. Jordan agreed, but reiterated that no matter what happens, there is a need to explore the details surrounding the project. The risk of not doing so now, when there is energy and momentum, is discovering real and lasting issues down the road. Mark suggested attending School Board meetings and asking questions of that group, the task force and others with interests in the project.

**Jim called the vote. Jim, Dave, Deb, Tom and Paul voted in favor; Chase and Kelley voted against. The motion passed.**

**Paul moved to move on to the Mail and Correspondence agenda item; Tom seconded. The motion passed unanimously.**

## 6. Mail and Correspondence

The group considered the June invoice from UVLSRPC for 16 hours of planning assistance. Mark and Chase expressed their opinion that the Board should pay the invoice given the earlier decision to suspend the relationship with the organization. Paul and Jim felt that the invoice was for far too many hours given that several hours were spent re-clarifying processes and included unnecessary travel to Orford. The Board decided to table the invoice until the August meeting, giving Jim time to contact UVLSRPC with concerns.

The group discussed agenda items for the August 21 meeting, including a review of the draft report on Stacy Thomson's gravel pit; Mark will type up the agenda and distribute to the Board and Sheri, and post in the Post Office.

**Chase moved to adjourn, and Dave seconded. Motion passed unanimously (8:49 PM).**

**Action Pending**

<b>Date of decision</b>	<b>Property</b>	<b>Details</b>
12/19/2016	Gerald D. and Jeannine A. Groff 135 Mud Turtle Pond Road (Tax map lot 8-0089-044)	Subdivision approved conditional on: <ul style="list-style-type: none"> <li>• Curb cut permit</li> <li>• Country lane covenant and construction</li> <li>• Presentation of perimeter survey</li> </ul>
6/19/2017	Bradley and Elizabeth McCormack Gov. Meldrim Thomson Scenic Highway (Tax Map 8-31 Lot 4B and map 8-29, Lot 4E)	Voluntary merger of lots <ul style="list-style-type: none"> <li>• Application approved on 6/19/2017 prior to the discovery that maps submitted as part of the application were misidentified</li> </ul>

**Business Concluded**

<b>Date</b>	<b>Action</b>
5/15/2017	Annual site visit to Stacey Thomson's gravel pit
6/19/2017	Lot Line Adjustment Application approved (Linda Paradee, Map 8-93, Lot 64 and Map 8-93, Lot 66, Rt. 10)
6/19/2017	Lot Line Adjustment Application approved (David and Kara Perry, Map 8-108, Lot 16 and Map 8-108, Lot 16T, Sawyer Brook Rd.)
6/19/2017	Boundary Line Agreement Application approved (Mathew and Nicole Gray, Map 8, Lot 91-30A, Rt. 25A and Map 8, Lot 91-32, Creamery Rd.)