

Candia Zoning Review & Revision Committee
Minutes of August 1, 2018
Approved Minutes

Present: Rudy Cartier; Al Hall; Scott Komisarek; Mark Chalbeck; Judi Lindsey; Josh Pouliot; Bryan Ruoff of Stantec; Dennis Lewis, Road Agent.

The purpose of this volunteer committee is to review potential changes to the Town of Candia Zoning, Subdivision and Site Plan regulations and make recommendation for changes or additions to the Planning Board. This meeting is open to anyone that wants to participate.

The meeting started at approximately 6:00 pm following the Pledge of Allegiance. .

ZRRC Minutes from October 18th, 2017:

A. Hall **motioned** to accept the minutes of October 18th, 2017 as presented. S. Komisarek **seconded**. **All were in favor.** J. Lindsey abstained. **Motion carried (5-0-1) for Planning Board Members including alternates.**

R. Cartier said this is our work session for the Zoning Review and Revision Committee. We'll work on that until 7:00 and we'll take an adjournment and open up the Planning Board meeting and then go back into zoning review. I'd like to see if we can get this done by the end of August; a preliminary final draft and vote on that and have a public hearing. We do have zoning amendments we want to take a look at along with the Village District and the zoning in there. In the Planning Board Meeting tonight the Zoning Board of Adjustment members will give us a brief presentation on some thoughts for some zoning changes based on what they've seen in their process.

Continuation of Stantec's Review of Candia's Current Regulations; Earth Excavation, Major Site Plan and Major Subdivision Regulations: Completed: Earth Excavation

Guests Present: Bryan Ruoff from Stantec Engineering

The ZRRC committee continued their review of the existing Major Site Plan Regulations with the track changes and discussed the proposed changes by Stantec that were in the binder supplied by B. Ruoff. Some of the items to adjust, correct, further explain or change are as follows:

B. Ruoff handed out **signage regulations** that Hooksett has for review. B. Ruoff said they're the most thorough and they are in the zoning regulations. It's always a zoning regulation requirement or zoning ordinance and the regulations usually defers to the zoning ordinance saying all signs shall comply with the zoning ordinances. **So this would be a change to your zoning ordinances** essentially. R. Cartier said we'll be looking at the zoning ordinances once we get through the regulations. This is pretty comprehensive so it's something to take a look at. There are a lot of concerns about signs; we don't want Candia to have signs like Merchant's Auto on Daniel Webster Highway. B. Ruoff said Candia's current zoning ordinance on signs, Article 8, is pretty thin; one page as compared to twelve and confusing too. There's a different square footage maximum depending on what type of sign and it's unclear so it's worth looking into. We're not recommending all these changes, just a possibility. You can pick and choose what you think is appropriate for the Town, like with the 10 foot sign, that's not done currently. We want to streamline regulations to something acceptable to the public, the Town and that's standard practice.

The committee left off on page 19 in July 19, 2017 revisions in Major Site Plan Regulations book with 8.05 Screening:

R. Cartier commented a lot of what's in here is the result of the concerns that we had, especially for the Candia First Stoppe. B. Ruoff replied the argument that most developers have when they bring a site plan to the Board; they want to utilize existing vegetation on the site as screening and as we know, most of the time that's not sufficient. Neighbors if they're opposed to the development are not okay with that. We established that as not a sufficient means of screening. R. Cartier said agreed, that's a good point because that was one of the points of contention on that project. S. Komisarek commented but if by chance there were a whole bunch of spruce trees or something, then that's a requirement we could waive. B. Ruoff agreed. The Board has the latitude to grant a waiver if it can be deemed appropriate but this at least gives you a baseline. If they can prove that they can provide that then a waiver should be granted. S. Komisarek commented screening is important for quiet enjoyment, especially if you have commercial/industrial abutting residential.

B. Ruoff continued we expanded to not only visual screenings but **noise screenings** as well. These are industry standards for what's allowed by noise ordinances and what wouldn't be allowed over certain decibel ranges. This doesn't need to be added but...R. Cartier said **should we add in where that sound level would be measured from? B. Ruoff agreed, we can expand that.** S. Komisarek said this could be good or bad. We have many activities that have persisted forever so now if we have someone hooking up something to monitor the decibels. We really should think this through. I don't even know what 55 dba is? M. Chalbeck said it's not that high, a radio could reach that easily. Recreational target practice in backyards; they have the room and proper backing and that would put them in violation of this and I'm not for it. R. Cartier said I agree with both of you. It wouldn't be a noise ordinance in the design of the sound barriers. I don't know if it's a standard, we don't want to make it so it creates more of a headache for the Town. All of this is being done in the design stage. Candia First Stoppe, it was addressed. It would be prudent to have something in there for new developments. B. Ruoff replied it's not intended as Town law but if something's being proposed if it's going to emit sound levels in excess of these off of the property so you measure off of the property line and it's something that would need to be screened for. M. Chalbeck said for screening, their equipment could exceed that easily; a compressor or breaking rock. Digging holes, setting utility poles, sonotubes. B. Ruoff said we can list that as exempt, temporary construction activities. R. Cartier asked about a time limit? Hours? B. Ruoff said on the next page, exemption point **vi. Noise generated by any construction equipment which is operated between the hours of 7:00 am and 6:00 PM on weekdays.**

Discussion ensued regarding this proposed section **8.05 Screening; E. obtrusive sound or noise pollution.** S. Komisarek said the concept is good. We should be respectful but what's 45 or 55 dba? What is that or sounds like? From a compliance standpoint, they're setting something up on the property line, take a photo with their phone and call the Town and who goes out there? Dave goes out there and says well....but there should be something to protect the abutters. B. Ruoff said so say a crushing machine; it's next to a residential area, the abutters are going to complain. You as a Board can ask up front what's the typical noise level that this is going to emit and if it's above these levels and maybe these levels aren't appropriate, I can re-look at that, if it's above these levels, what means are you going to use to screen from the residential properties next door? It just gives you that latitude. In five years with the Board accepting plans and I've been doing reviews, there has been maybe one that has come up that was a sticking point for abutters.

B. Ruoff said we note things at the meetings that are issues or makes it unnecessarily laborious for the applicant and the Board. We're looking to cut out our number of comments by half by adding these regulations and looking to cut your time at the meeting by half and the applicants trips to the Board in half. This is the overall goal for this.

R. Cartier asked B. Ruoff to:

1) Follow up on db levels. A Mötley Crüe concert is about 150. Get some examples for the Board to look at on that.

2) Exemptions; exempt motor vehicles. One of the concerns at Candia First Stoppe was noise from the trucks but this gives us a Board to look at this and say what are you going to do to minimize the amount of noise over the property line. This is not a Town noise ordinance, this is new construction.

8.06 Storm Water Management: B. Ruoff said the subdivision regulations which govern all storm water design for site plan and sub-division is designed for the 100 year storm and you get a waiver request every time because it's well in excess of what the standard is. So we're recommending different type of design storms for the appropriate thing being designed. For example closed drainage system or a catch basin would be designed for a 25 year event storm while an open drainage or a roadway culvert would be designed for 50 year storm. It dials it in more, we call out exactly what we're looking for; no overtopping the road in the certain storm event and makes it a lot easier for the designer to meet this criteria instead of arguing about what's appropriate in the meeting. **These are all in line with NHDES standards too,** we're not looking for anything above and beyond that. Board agreed.

8.07 Groundwater Protection: B. Ruoff said here we're just cleaning it up. There were sections underlined, same language essentially. R. Cartier commented the Water Supply and Pollution Control Commission's been gone 17-20 years now but it still refers to the RSA.

8.08 Utilities and Fire Protection: R. Cartier said Fire Protection I'd like to defer until we talk to Chief Dean Young. He's talked to us about that and we've discussed some updates that we'd like to do to that. I'll reach out to him on that.

8.09 Disposition of Excavated Waste: B. Ruoff said this was a short list of possible waste so to give the Board more latitude, say **not limited** to these items. Discussion ensued regarding using discarded materials as landscaping material. First Stoppe was using boulders as part of the landscaping plan. Would that preclude them from using them? B. Ruoff said you could cross boulders off. I think the intent is someone doesn't dig up a car sized boulder and leaves it on site or by the road. We could just expand this to say **with the exception of boulders incorporated into the landscape with the approval of the Board.**

8.10 Solid Waste Disposal Plan: A. Hall said just a typo.

8.11 Erosion and Sedimentation Control Plans: No change.

8.12 Impervious Cover: B. Ruoff said this is implicitly understood but not definitely in the regulations. Typically it's impossible to build a site with more than 50% impervious cover and still have the storm water pre and post match because you have nowhere to recharge it. But there's always someone looking to max out a site with impervious cover which potentially could impact abutters from a drainage standpoint so it sets the allowables. If it was a 200 acre lot 50% impervious cover wouldn't work. But it would be under DES AOT requirements; it could be less than 2 acres and get under AOT. **So the Town could say 50% or 2 acres.**

3 Typos in here:

- 1) 50% of the lot, not lot developers – **delete developers**
- 2) Green **area**, not are
- 3) Perfect should be **percent**

8.13 Underground Petroleum Storage Tanks: R. Cartier said take out State of New Hampshire Water Supply and Pollution Control Division. B. Ruoff said right, gone. R. Cartier said and plans from DES.

8.14 Landscaping: B. Ruoff said standard practice, gives latitude to the applicant to select but makes sure abutting properties are not met with a brick wall or whatnot. J. Pouliot asked should 8.14 also be referenced in 8.05 screening or do they overlap. R. Cartier replied screening addresses the buffers. Landscaping addresses the broader aspect of how the building is looking when you come up to it and the types of things we'd like to see in Candia.

A. All site plans shall include a landscaping plan designed by and stamped with the seal of a New Hampshire licensed landscape architect. R. Cartier suggested changing that to landscape designer so it doesn't have to be an architect. B. Ruoff said qualified landscape designer? R. Cartier said we could leave that and let the Board make that determination upon plan review.

B. For all proposed landscaped areas a minimum of six (6") of topsoil. B. Ruoff suggested making a change to that, it gets spongy for non-drainage areas. **Maybe 4" is more appropriate.** I've noted that change.

8.15 Structural Design Requirements: B. Ruoff previously the Town's requirements referred to NHDOT standards. This pulls some standard design requirements that we would expect for retaining walls or box culverts and then expands it to include what else would be required by NHDOT. For example the High Street culvert came up it was a Pandora's Box on what was acceptable and what wasn't. This outlines what we would recommend, essentially what's the standard for the industry on that.

D. Lewis added the box culvert, the length of it, height of inside. And then the last meeting, I brought up that we couldn't run the power over it because it wouldn't have enough cover so they went with a pole and drop it down. Box culverts; every one is designed for that subdivision. There's no universal like we do with reinforced concrete culverts. This will take care of a lot of it.

8.16 Temporary Signs. B. Ruoff said temporary signs cannot exceed 20 square feet. I wasn't sure with a flashing or variable message sign for construction, would that be allowed? R. Cartier said I would say it's allowed because it's a standard for Federal Highway Administration to have those. Discussion ensued regarding having a time limit for removing temporary signs or not; multi-phase project or multi-year project? Set that limit for each project? Expand for winter shutdown or when construction isn't going on? Pros and cons of that were discussed. Signs are probably left up for liability reasons.

8.17 Guardrail – was listed as 8.16 also. **Change to 8.17.** B. Ruoff said it might be subdivision, not in the site plan. So when we get a site plan review its arm wrestling whether guardrails are required or not.

Section IV: Joint Procedures Provisions

Article 9.00 Procedure – No changes.

Article 13.00 Appeals: R. Cartier said it just gets rid of the date and refers to the RSA, which is fine. If you put the RSA in you'll use the latest version.

Table 1

B. Ruoff noted that when I do site reviews, there are a lot of uses that aren't in the parking space requirements. I don't know if all of these are realistic but it's typically what's listed for what's required for parking spaces for each use. R. Cartier commented on **(1) Residential Units; 3 spaces per unit.** B. Ruoff said it can include garage and you can add a note. I've seen it in a lot of other towns but to me it

seems a little much. Maybe it refers to more commercial uses, like a condo area where you'd have two parking spaces for that unit and one for a visitor as well. I could try to expand that to make it clearer. It doesn't make sense to have a family home have 3 parking spaces on their lawn.

Review of Major Subdivision Regulations:

Table of Contents was rearranged to make it consistent.

Typo in section 2.02. A period was added at end of sentence.

2.05 Building Permits:

D. Lewis commented on **2.05 Building Permits:** We give out building permits when the road isn't filled yet. We run into this where a home is finished and the road is not. They can't get an occupancy permit because there's not a paved road to their home. One time this happened it went 3 months before the builder got the road done but the house was finished. I don't know how we address that. The builder is the owner of the property so no lot is conveyed until the home is sold. We need to think about it. We won't issue an occupancy permit until the road is up to the binder stage but that doesn't mean the house won't be built. We need to make sure that doesn't happen. R. Cartier said what's stronger than you can't get a building permit. D. Lewis said it wasn't this Building Inspector.

B. Ruoff said this speaks to a case that's in front of the Board now, the Donovan Road Subdivision. Being a Class VI road is not a Town Road. By virtue of this regulation a building permit cannot be provided for that road. Maybe add a penalty or fines in here? R. Cartier asked who do you fine, builder or Building Inspector for issuing the permit against the regulations. B. Ruoff said it's a life safety issue. If a building is on fire there's no way to get access. D. Lewis said there are a lot of issues with it. Utilities, messing up final grade, not inspected yet, we've been through it all.

MOTION:

A. Hall **motioned** to break for the Planning Board Meeting at 7 pm. J. Lindsey **seconded.** All were **favor.** Motion carried **(6-0-0)** for planning board members. All present were in agreement.

35 minute BREAK for Planning Board Meeting: At 7:35 pm, the ZRRC Meeting was re-opened following the adjournment of the Planning Board Meeting and continued from where they left off.

2.05 Building Permits: D. Lewis said we need to strictly enforce that. R. Cartier said I'm comfortable with it. Dave's been pretty good about keeping up with the regulations that we have and making sure exceptions don't happen.

2.07 Penalties: R. Cartier commented so recorded in the office of the Register of Deeds is that crossed out because it's in the RSA? B. Ruoff agreed. This was changed with the RSA in 2010 I believe. I have the track changes on for this. We're just going to remove that. R. Cartier said to make it compliance with the RSA. B. Ruoff agreed, this had said \$500 but the RSA has a \$1,000 penalty.

2.08 No changes. 2.09 No changes.

2.11 Maintenance of Streets: D. Lewis commented it has always been the Town's position to only plow, snow, salt and sand on roads on that haven't been accepted yet but as soon as someone is living there. This kind of contradicts that. If a developer reads this he thinks he's going to have to plow this and maintain it until it's accepted. Where he has to do all the maintenance but we still plow. We do that for safety reasons. Either the BOS would have to direct me not to do that or we have to make it known to the developer that once the binder course is down and someone has a CO on the house, we

do plow the road. They can get a CO at binder course because a lot of times they don't put the top coat until all the homes are built. No more excavators etc. but that can be two years if the projects is phased. Horizon went on for 15 but we plowed if someone was living there. B. Ruoff said it's a catch 22 going back to 2.05 because if the Town's not maintaining then a building can't be put on it. I can work on re-wording this to what the Town does now.

R. Cartier said and 2.05 issuing building permits based on binder courses but it's not an accepted road. D. Lewis said we don't want to have the final wearing course put on until all the homes are in there. How do we handle it? And we hold latent defect for another year so if a developer came in here, he would want to have his road completely built, finish coat of pavement, everything done, get his 10% latent defect back before he ever sells a house lot otherwise he's liable for all the damage. It makes no sense. R. Cartier asked about liability issues with the Town plowing. D. Lewis replied yes. It was the policy before and I took over 20+ years ago. Other towns have issues when roads aren't plowed, people living in there if an ambulance needed to get in there. The builder doesn't have a lot of incentive to go in there; not working over there, they might send someone to plow the road 2 days after a snow storm. We've done it for public safety.

R. Cartier said we should have the Board of Selectmen address that from a liability standpoint or issue. If you come in and tear up that base coat is the Town going to have to pay for it? D. Lewis said I worry about that, I usually do it to make sure there's no issues. Very carefully but maybe there's a release the developer can sign so we're not liable.

Discussion ensued about life and safety, CO's, finish coat, road acceptance, conditional acceptance instead of acceptance of the road, enforcement of satisfactory maintenance of road, agreements and what to do in the future, what if the development is done in phases, temporary hammerheads etc. D. Lewis suggested billing the developer.

B. Ruoff to look at and re-work and propose changes based on the discussion we just had and what current Town procedure is:

- **2.05 Building Permits**
- **2.10 Acceptance of Streets and Utilities**
- **2.11 Maintenance of Streets**
- **2.13 Active and Substantial Development or Building**

2.12 National Flood Insurance Requirements: didn't discuss

2.14 Development of Regional Impact: B. Ruoff recommended **removing the dates** of when the statutes went into effect. B. and D. remove dates at the end of those sections.

D. Lewis said Raymond has a ton of subdivisions just over the line. They have a bigger impact on us than Crowley Road but I guess we're never made aware of them so we don't have a say? R. Cartier commented we need to keep up with that a little better. I think the ownership is on us. Maybe SNHPC? A. Hall said Raymond succeeded to Rockingham so there are two planning commissions.

Article 3. Waivers of Compliance:

Section II Article 4. Application Procedure for Subdivision.

4.01 Submission of Application and Review Period: R. Cartier said we've talked about this and the timing for getting things. We're pushing back on developers expecting to come to our next meeting and we're saying no. We don't want to waste their time or our time. *The application sub-committee appointed by the Chair will review all applications for completeness...* I did that with the past chair on a couple of site plans and we looked at is the application complete. Andrea and I have been looking at the regulations and what the recommendations have been from the NH Municipal Association and its

okay for someone to come in and want to talk to the Board, an informational or preliminary, which we do. The Municipal Association doesn't recommend that a member or members of the Board do the review. I think one of their concerns might be conflict of interest but I want to look into that more. Bryan's well versed in our regulations and can check off to see what's on the application and I don't mind doing them. Andrea has been really good about pre-reviewing them and saying you're missing like 6 things on the application checklist, it's going back to you. I don't know if it's necessary to do that. If Andrea has an issue she can call me up and I can help her out on it. I think it's appropriate for the Land Use administrative person to be able to do this and she's being the gatekeeper for us. When you come in with 29 deficiencies on the application and you bring it up to the Board. Bryan why don't you go over your thought process on this.

B. Ruoff said essentially dial in the process we're using but the issue I see now is that we do the completeness review and I perform the completeness review and that was taken off but it makes sense to put back on as that's essentially our procedure. I'm not sure what the reasoning was that we took it out at the time. Is it the Board's preference that someone from the Board reviews it for completeness and Stantec or Andrea? The role that we serve for the Town, we eliminate possible liability for you by providing recommendation and you can always defer to that so from that standpoint, it really takes the ownership off of you because you're deferring to essentially experts in this sort of work. It doesn't put the pressure on you to make a decision and be considered to be not impartial for any reason because you're deferring to an expert. That's the idea in doing that. The completeness checklist is clear in the specs, it's black and white, yet even Doug McGuire said half of these don't apply and they all apply that's why they're in there and if you don't think it applies to what's being submitted then it should be submitted with a waiver. **I'm happy to put this back in and re-write it that the Town's engineer will perform the completeness review but you may want to change that in the future to have someone on the Board or Andrea look at it.** R. Cartier replied the Land Use Assistant would do the preliminary review and then request assistance from the Board or the Town engineer if there was a question that came up because it's just preliminary. We were looking at in the Municipal Association recommendations, the conversational review of the application. Andrea's looking at it and looking through it and it's not a decision of the Board at this time. Is everything listed on this sheet in the packet? Do we have those documents? If we do, next step, then we'll have the completeness review. For example the drainage plans, is it acceptable as submitted or done by someone who has no experience. That would be to me the technical review. Andrea's very good about where the documents are.

D. Lewis commented Andrea's been busy in the office and what if 5 sets of plans come in in a week and a half and she's got to review all those for completeness. R. Cartier said I think somewhere in there it should say if she needs assistance, she can request it from the Board. A. Bickum said the timeline is the issue; I only have a week to review and say this is complete or incomplete before it has to get noticed in the paper.

B. Ruoff said most of these requirements; ultimately the determination is made by the Board. In this instance no determination is made by the Board, that determination should be made directly by the Land Use Office so either Andrea or Dave should be assigned that responsibility to accept or reject the application as complete, not the Board. A. Bickum disagreed. I don't think we can. I think the Planning Board has to accept or reject the application. R. Cartier agreed. We're going to make our decision based on recommendations that we get from Andrea or from you, that's the bottom line. If I get something in front of me that Andrea says ok, then fine but if anything's missing, she's been saying to developers if there are missing items you're not getting on the agenda or if you do, it's just going to be rejected and you'll have to pay all the fees again. B. Ruoff said I think that makes sense. M. Chalbeck commented like that contractor that wanted to sub-divide his land leaving him 60 or 70 acres he couldn't develop again. She caught that, that was a great catch. A. Bickum said I would defer all majors, major site, major sub-division to a completeness review from an outside source like Stantec because I don't understand what I'm looking at with drainage and the major site plan application and

major subdivision application, there's a lot of information. B. Ruoff replied with a major it's two different animals as is it created on an existing street or are streets being created. That's a game changer too, it adds that much more confusion to the application. A. Bickum commented once we figure this out, we'll have to change the applications to what has changed in here anyway, so we could always put something in here, I saw one in another Town, something to the effect of if your application is not complete, it doesn't necessarily mean you'll get on the Planning Board's agenda or something to that effect. B. Ruoff said if you had 5 items on the agenda from when they meet the deadline, you know you're not going to have time that night so they wouldn't make it on the agenda and would get bumped. R. Cartier said you said 7 days from when you get the application? That's not true. It says here *upon receipt of an application, the Board shall provide decision in writing within seven (7) business days regarding the completeness of the application.* A. Bickum replied I don't think that's right either. J. Lindsey responded the plan comes in, not before us yet, to a sub-committee to see if it's complete and she can keep kicking it back if it isn't and then once she feels confident that it's complete or calls in an expert that it is complete enough, then it gets on the agenda and we decide and approve or accept it as complete. R. Cartier said we have to do that within 7 days, written decision. J. Lindsey said during an official Board meeting. R. Cartier agreed. If it gets on the agenda, someone's adamant they want to get on the agenda, we have 7 days, and Andrea doesn't have to do it in 7 days. The Board's not accepting the application. J. Lindsey said it's a pre-review for completeness. J. Pouliot said I don't think the 7 days is a stipulation unless the Board's seen it. A. Bickum said the Board can't receive the application until we're in a meeting, this doesn't make sense to me. It almost sounds like it's after. We can only accept or not accept the application in a meeting. R. Cartier said we have to make the determination whether it's complete or not officially. We're looking at the recommendations from Andrea and you (*Bryan*) as to whether that application's complete. The Board discussed the 7 days paragraph; submissions in writing. D. Lewis said if we can't figure it out, how is an applicant so we need to clarify the wording.

B. Ruoff said so the CoPart Site Plan, tentatively on the agenda for September so when do you need to notify for that. A. Hall said she can only get it in the newspaper certain times. A. Bickum said public notice and newspaper notice have to be 10 days prior to the 5th. So it would be noticed in the paper by the 23rd (*of August*) and the deadline for the 23rd for the paper is the 16th. B. Ruoff said so hypothetically they say they'll have everything to you and they don't and you have to notice at that point. So they end up in front of the Board even though they've already received a completeness review that they're incomplete so in that instance that's point B. But I think there's an in between here where applications will be deemed incomplete and held off the first available Planning Board meeting based on the review of the completeness review individuals. That's the in between that isn't there. Discussion ensued that it A and B are out of order.

R. Cartier asked Andrea to ask Mike, Town Counsel; is that from submission to the planning office or when's it's submitted to the Board, not the representative. J. Lindsey says it goes to Andrea and Stantec and then once they say its complete then it goes on the meeting for us. M. Chalbeck said you can say Town engineer. B. Ruoff said or Town's designated representative.

A. Bickum read RSA 676:4: An application for approval filed with the planning board under this title...The planning board shall specify by regulation what constitutes a completed application sufficient to invoke jurisdiction to obtain approval. A completed application means that sufficient information is included or submitted to allow the board to proceed with consideration and to make an informed decision. A completed application sufficient to invoke jurisdiction of the board shall be submitted to and accepted by the board only at a public meeting of the board, with notice as provided in subparagraph (d). An application shall not be considered incomplete solely because it is dependent upon the submission of an application to or the issuance of permits or approvals from other state or federal governmental bodies; however, the planning board may condition approval upon the receipt of such permits or approvals in accordance with subparagraph (i). The applicant shall file the application with the board or its agent at least 21 days prior to the meeting at which the application will be

accepted. Accepted, right there that means if I don't think it's complete and it's not going to be accepted then it's shouldn't be on the agenda yet. R. Cartier agreed. A. Bickum said so it's only on the agenda once it's deemed complete. Which can't be done by the Board with a letter, I don't think. I don't know.

R. Cartier said I think we might be doing this wrong, we have something in here that's incomplete; we're not supposed to get it. We're supposed to review a completed application. I don't see anything in here that we deem it complete or incomplete, we just accept the application.

A. Bickum continued and then it goes on to say: (1) The board shall, at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given in accordance with the requirements of subparagraph (b), determine if a submitted application is complete according to the board's regulation and shall vote upon its acceptance. So if we have a regulation that says....B. Ruoff said so this sounds like you have to take it at the next meeting whether it's complete or incomplete and vote at that next available meeting on what the determination is. A. Bickum replied but then this OEP book; talks about trying to avoid that. B. Ruoff said we're doing the completeness review to save the Board 2 hour meetings about something that should have been on the plan or a project not ready to be heard. R. Cartier said someone has to look at it before it gets to the Board or we're going to have to go through meetings where we go down each line item and no that's not here and that's not useful or prudent to do. I can make a determination in about an hour if everything is here but why should we have to do that as a Board? B. Ruoff said it's the law then maybe we have to consider it. I've noticed in some towns that they won't notify abutters for the first meeting where an application is solely on the application to be determined whether it's complete or incomplete, it's not talked about. So its 5 minutes for that project and recommendation by town's agent and it's made, it's not discussed and they move on and then abutters and notification is done at the next meeting, if it's complete. If it's incomplete, written notice is given based on the minutes of that meeting and then it's kicked off and they need to resubmit to get back on. R. Cartier said I think with that there would be people that would be upset they weren't being notified. There's a financial incentive too.

D. Lewis said if you're doing a completeness review the sub-division or whatever isn't discussed anyway. Nothing should be discussed. No other discussion. R. Cartier said I still think there should be someone reviewing it before it gets to the Board, not the Board looking at it. J. Lindsey said we've always had like a technical review, a checklist, a couple of us getting together, okay, looks like it is complete and take it from there. R. Cartier said let's see if we can get a recommendation from Mike. If it's the Board's that makes the determination then that's where the 7 days cuts in, then yes you can go back and forth with the developer all you want and you're not wasting 6 meetings doing this over and over and over again. A. Bickum commented the problem with this is the Board meets every other week. R. Cartier said but that's okay. It's not presented to the Board until a meeting and then we have 7 days. We'll look at it and they should be complete when we get them. A. Bickum suggested like Bryan's talking about, these towns get applications in, they're reviewed in a regular meeting, not noticed, you're reviewing what's upcoming, going through the checklist is this one complete or incomplete and the Board notifies any that are incomplete and it gets kicked back. But the Board does it in a public meeting, I don't know. R. Cartier said that's what the original sub-committee was for. I think it's been a practice that the applications have been reviewed in 7 days. You've sent me stuff that I haven't reviewed in 7 days. A. Bickum said it's hard to review it in 7 days. I want to make sure I'm doing it correctly. M. Chalbeck said we shouldn't be sitting here like we did with Crowley Woods, incomplete, incomplete, incomplete, it's a waste of the Planning Board's time. R. Cartier added and In-Laws too. D. Lewis commented and developers play that card too, they want the Board to do some of their work for them and see how far they can stretch it. R. Cartier said that's understandable, they want to try to do it for as minimal a cost as they can, which is the way you do business. We're looking at it from the standpoint of we have to make sure we're covering the bases of our regulations in Town and basically protecting the Town. There's always going to be that conflict or different goals.

D. Lewis commented the sad part is like for Crowley Woods, you go reserve the school and do

all that process and the guy has to know he's not complete, he's been in the business how long? He knows he's not complete. Everyone wastes their time. B. Ruoff said he called you the morning before to say he was incomplete right? D. Lewis replied yes he did. B. Ruoff said he called me too. He said I don't know what you want and I said let me tell you. D. Lewis said he called me that afternoon at 4:30 that he was incomplete. B. Ruoff replied we told you 6 months ago you were incomplete and we haven't seen anything since. M. Chalbeck said I don't mind guidance. R. Cartier said like the Richter's and their informational. I welcome that because we can say when you submit your application; look at all the stuff that has to be submitted. The one's that Andrea's getting come in at quarter of 3:00 and expect to get on the next Planning Board meeting. No idea whatsoever, there's got to be a trade off somewhere.

A ZRRC meeting was still planned for Saturday, August 11th at 8:00 am.

Wet Maps:

A. Hall said we had a ceiling tile drop loaded with water adjacent to the maps that we have. Next to it we have the electronic machine. There was a pin hole in the new roof, in the v, from before.

B. Ruoff asked do you want us to scan the maps and give them to you electronically. We could do that at no cost to the Town, we would do it for free.

R. Cartier said the **Budget Meeting** is the 18th. D. Lewis said of September, Sept. 22nd. A. Bickum said September 5th is the deadline. R. Cartier asked the Board to take a look at the Town Report and let me know if you have changes. Andrea sent the latest budget report around.

MOTION:

A Hall **motioned** to adjourn the Zoning Revision meeting. J. Lindsey **seconded**. **All were in agreement. Motion carried (6-0-0) for Planning Board Members.** It was the consensus of the entire committee present to adjourn the ZRRC meeting at approximately 8:35 pm.

Note that after this ZRRC meeting adjourned, on Monday, August 6th, the proposed ZRRC meeting for Saturday, August 11th at 8:00 am was CANCELLED.

The next ZRRC meeting is scheduled for August 15th following the Planning Board Meeting.

Respectfully submitted,
Andrea Bickum
Land Use Secretary