

Planning Board Meeting Minutes
Town of Brookfield, NH
267 Wentworth Road
Brookfield, NH 03872

Thursday, March 19, 2015

- I. **Vice-chairman Rob Collins called the meeting to order at 6:41 PM.**
- II. **Roll Call: Members, Alternates, Appointment of Alternates per RSA 673:11,673:12**
 - A. Members present: Vice-chairman Rob Collins, Geary Ciccarone, David Champy II, Jim Freeman, Ed Comeau and Selectman Brian Robischeau.
 - B. Tardy: Chairman Rick Surette.
 - C. Alternates present: (none).
 - D. Members and Alternates absent: Selectman Rich Zacher, and John Merrigan.
- III. **Appointment of Alternates per RSA 673:11, 673:12.**

(No alternates were present.)
- IV. **Public Comments.**

Dianne Smith requested that the town website be updated.
- V. **Nomination and Election of the Planning Board Chairman and Vice-chairman.**
 - A. Vice-chairman Rob Collins read 3.1 of the Rules of Procedure regarding the procedure for election of Planning Board officers.
 - B. **Motion: Geary Ciccarone nominated Rick Surette to the position of Planning Board Chairman.** Second: David Champy II. The motion passed unanimously.
 - C. **Motion: Geary Ciccarone nominated Rob Collins to the position of Planning Board Vice-chairman.** Second: David Champy II. The motion passed unanimously.
- VI. **Comments Announcements / Correspondence / Mail.**

Vice-chairman Rob Collins announced that a copy of the latest edition of *Town and City* would be accessible in the public office area.
- VII. **Review and Possible Approval of the February 19, 2015 Planning Board Meeting Minutes.**
 - A. Vice-chairman Rob Collins postponed the review of the February 19, 2015 draft meeting minutes until the next Planning Board meeting.
 - B. Vice-chairman Rob Collins requested that the administrative assistant add the review of the February 19, 2015 draft meeting minutes to the agenda of the next Planning Board meeting.

VIII. New Business-

Review and Certification of the Amended Zoning Ordinance as Approved by Vote at the Town Meeting.

- A. After some discussion about how best to review the revised Zoning Ordinance regulations the following took place;
1. Rick Surette arrived at 7:02 PM accepted his newly appointed role as chairman and presided over the remainder of the Planning Board meeting.
 2. A hard copy of the proposed changes to the Zoning Ordinance were distributed to Planning Board members. However, no hard copies of the Zoning Ordinance with the incorporated changes were available.
 3. **Motion: Geary Ciccarone moved that if hard copies of the amended Zoning Ordinance can be provided within twenty-five minutes, the Planning Board should resume with the process of reviewing the document after hard copies are distributed.** Second: Vice-chairman Rob Collins. The motion passed unanimously.
 4. At 7:09 PM a recess was declared by Chairman Rick Surette.
 5. At 7:13 PM Chairman Rick Surette continued the Planning Board meeting.
 6. After the recess Chairman Rick Surette diverged from the agenda and proceeded to Old Business. After the review of Old Business the review of the amended Zoning Ordinance document continued.
 7. During the review of the amended Zoning Ordinance document, the following motions to correct typographical and formatting errors were presented;
 - a. **Motion: Vice-chairman Rob Collins moved that the second period at the end of Article IIA1a, on page 1 of 54, be removed.** Second: Chairman Rick Surette. The motion passed unanimously.
 - b. **Motion: Selectman Brian Robischeau moved that a space be added between i and ii of Article IIA1b, on page 2 of 54, be added.** Second: Vice-chairman Rob Collins. The motion passed unanimously.
 - c. **Motion: Vice-chairman Rob Collins moved that periods be added at the end of a,b,d and e of Article IIA2, on pages 4 and 5 of 54.** Second: Chairman Rick Surette. The motion passed unanimously.
 - d. **Motion: Geary Ciccarone moved that “RSA’s” be changed to “RSA” before “485” and RSA be inserted before “48-A:1” of Article IIA1dx, page 4 of 54.** Second: Chairman Rick Surette. The motion passed unanimously.
 - e. **Vice-chairman Rob Collins moved that the comma at the end of the first line of Article IIA3a on page 5 of 54, be removed.** Second: Chairman Rick Surette. The motion passed unanimously.
 - f. **Motion: Geary Ciccarone moved that “a” before “Kingswood Lake” be removed in Article IIA3f, page 6 of 54.** Second: Vice-chairman Rob Collins. The motion passed unanimously.

- g. **Vice-chairman Rob Collins moved that the first line after “Dwellings” of Article IIA3a, on page 5 of 54, be moved to directly after “Dwellings”.** Second: Chairman Rick Surette. The motion passed unanimously.
- h. **Vice-chairman Rob Collins moved that a space be inserted between “25” and “foot” of Article IIA3f, on page 6 of 54.** Second: Chairman Rick Surette. The motion passed unanimously.
- i. **Motion: Vice-chairman Rob Collins moved that the indentation before “The” of Article IIB4, on page 6 of 54, be removed.** Second: Chairman Rick Surette. The motion passed unanimously.
- j. **Motion: Geary Ciccarone moved that the space between “in” and “the” in the fourth line of Article IIB3, page 10 of 54, be removed.** Second: Vice-chairman Rob Collins. The motion passed unanimously.
- k. **Vice-chairman Rob Collins moved that the alignment of “Purpose” in Article IIC1a, on page 8 of 54, be corrected.** Second: Chairman Rick Surette. The motion passed unanimously.
- l. **Motion: Selectman Brian Robischeau moved that a colon be added after “Planning Board” in the first line of Article VIIC1, on page 14 of 54.** Second: Chairman Rick Surette. The motion passed unanimously.
- m. **Motion: Geary Ciccarone moved that a period replace the comma at the end of Article VIIC6, page 15 of 54.** Second: Vice-chairman Rob Collins. The motion passed unanimously.
- n. **Motion: Geary Ciccarone moved that periods be added at the end of Article VIIC7a and c, page 15 of 54.** Second: Vice-chairman Rob Collins. The motion passed unanimously.
- o. **Motion: Chairman Rick Surette moved that the indentation of “An” be removed in Article VIIC10, page 15 of 54.** Second: Vice-chairman Rob Collins. The motion passed unanimously.
- p. **Motion: Geary Ciccarone moved that a period be added at the end of Article VIIE1 on page 17 of 54.** Second: David Champy II. The motion passed unanimously.
- q. **Motion: Vice-chairman Rob Collins moved that the indentation of “Height” be removed at the beginning of Article VIIF2 on page 17 of 54.** Second: Chairman Rick Surette. The motion passed unanimously.
- r. **Motion: Geary Ciccarone moved that the underline be removed at the end of Article VIIG1d on page 19 of 54.** Second: David Champy II. The motion passed unanimously.
- s. **Motion: Chairman Rick Surette moved that the underline be removed after “Signage” of Article VIIG4 on page 20 of 54.** Second: David Champy II. The motion passed unanimously.
- t. **Motion: Vice-chairman Rob Collins moved that “done” be removed in the last line of Article IIIB, page 10 of 54.** Second: Geary Ciccarone. The motion passed unanimously.

- u. **Motion:** Selectman Brian Robischeau moved that a space be added between 11 and 12 of Article VIIG, on page 22 of 54. Second: Chairman Rick Surette. The motion passed unanimously.
- v. **Motion:** Vice-chairman Rob Collins moved that spaces be inserted between a, b, and c of Article IVA2, page 11 of 54. Second: Chairman Rick Surette. The motion passed unanimously.
- w. **Motion:** Chairman Rick Surette moved that the indentations be corrected and periods be added to Article VIIB1 through 15 and insert a space between 17 and 17a on pages 24 through 25 of 54. Second: Vice-chairman Rob Collins. The motion passed unanimously.
- x. **Motion:** Selectman Brian Robischeau moved that double spacing be removed between 1 through 5 of Article VIID, on page 26 of 54. Second: Chairman Rick Surette. The motion passed unanimously.
- y. **Motion:** Geary Ciccarone moved that a space be added between 1 and a and periods be added to a through e of Article VIIE, on page 26 of 54. Second: Chairman Rick Surette. The motion passed unanimously.
- z. **Motion:** Vice-chairman Rob Collins moved that period after “1” be removed between of Article IVB3, page 12 of 54. Second: David Champy II. The motion passed unanimously.
- aa. **Motion:** Geary Ciccarone moved that a space be added after “Tower:” of Article VIIE2 and the indentation be corrected VIIE4, on page 27 of 54. Second: Chairman Rick Surette. The motion passed unanimously.
- bb. **Motion:** Ed Comeau moved that the indentation be corrected in a, b, and c and be corrected in Article VIIE2, on page 27 of 54. Second: Chairman Rick Surette. The motion passed unanimously.
- cc. **Motion:** Chairman Rick Surette moved that the indentation be corrected in Article VIIF2b on page 29 of 54. Second: David Champy II. The motion passed unanimously.
- dd. **Motion:** Geary Ciccarone moved that periods be added to the appropriate places in 1 through 4 of Article IXA on page 31 through 32 of 54. Second: Vice-chairman Rob Collins. The motion passed unanimously.
- ee. **Motion:** Geary Ciccarone moved that periods be added to the appropriate places in 6 through 14 of Article IXA on page 32 of 54. Second: Chairman Rick Surette. The motion passed unanimously.
- ff. **Motion:** Selectman Brian Robischeau moved that spacing be added between Article IXA15c and d, on page 33 of 54. Second: David Champy II. The motion passed unanimously.
- gg. **Motion:** Geary Ciccarone moved that a period be removed after 23 of Article IXA on page 34 of 54. Second: David Champy II. The motion passed unanimously.

- hh. **Motion: Vice-chairman Rob Collins moved that a period be added after 21 of Article IXA on page 34 of 54.** Second: Chairman Rick Surette. The motion passed unanimously.
- ii. **Motion: Geary Ciccarone moved that the capital for “The” be removed after “Validation:” in 29 of Article IXA on page 35 of 54.** Second: David Champy II. The motion passed unanimously.
- jj. **Motion: Chairman Rick Surette moved that the spacing be corrected in Article IXG2 between a and b on page 37 of 54.** Second: Vice-chairman Rob Collins. The motion passed unanimously.
- kk. **Motion: Geary Ciccarone moved that a space be added between J and 1 in Article IXA on page 40 of 54.** Second: Ed Comeau. The motion passed unanimously.
- ll. **Motion: Vice-chairman Rob Collins moved that the indentation be corrected in the first sentence of Article VIII E on page 26 of 54.** Second: Chairman Rick Surette. The motion passed unanimously.
- mm. **Motion: Chairman Rick Surette moved that the spacing be corrected in Article XJ on pages 40 through 41 of 54.** Second: Vice-chairman Rob Collins. The motion passed unanimously.
- nn. **Motion: Geary Ciccarone moved that a space be removed between “March” and “9” in the third column of Article XIV on page 46 of 54.** Second: Chairman Rick Surette. The motion passed unanimously.
- oo. **Motion: Ed Comeau moved that beginning on page 40 of 54 all capitals immediately after colons should be reduced.** Second: Vice-chairman Rob Collins. The motion passed unanimously.
- pp. **Motion: Vice-chairman Rob Collins Surette moved that the space be removed after “\$100” in Article IXH3 on page 39 of 54.** Second: David Champy II. The motion passed unanimously.
- qq. **Motion: Chairman Rick Surette moved that the bullet points be replaced with “a” and “b” in Appendix C, 1 and 2, page 49 of 54.** Second: Vice-chairman Rob Collins. The motion passed unanimously.
- rr. **Motion: Chairman Rick Surette moved that the spacing be added between letters and numbers of Appendix C, page 49 of 54.** Second: Vice-chairman Rob Collins. The motion passed unanimously.
- ss. **Motion: Chairman Rick Surette moved that the spacing be added between letters and numbers of Appendix C, page 50 of 54.** Second: Ed Comeau. The motion passed unanimously.
- tt. Vice-chairman Rob Collins commented that all the changes that the Planning Board had endorsed, were merely typographical errors that had been in the Zoning Ordinance document for many years.
- uu. Chairman Rick Surette requested that the administrative assistant correct the Zoning Ordinance document per the motions, to leave a copy with the Town Clerk, and notify the Planning Board members that the document is awaiting their signature.

IX. Old Business-

- A. Consideration of the Town Attorney Annually Addressing the Planning Board to Review Changes in State Legislation as it Pertains to the Brookfield Planning Board.
 - 1. Chairman Rick Surette announced that he still had not yet received a reply.
 - 2. Geary Ciccarone suggested that the Chairman may want to consider phoning the Town Attorney once per year to determine if any changes in the RSA should be presented to the Planning Board.
 - 3. Chairman Rick Surette proposed that Planning Board members should remain vigilant regarding any additions to RSAs that pertain to the Planning Board.
 - 4. State Representative Ed Comeau volunteered to approach OEP to receive a list of RSA changes, yearly.
- B. Consideration to Amend the Rules of Procedure in Regard to Publication and Postings of Proposed Zoning Ordinance Amendments.
 - 1. A hard copy of proposed changes to the Rules of Procedure was distributed to Planning Board members (attached).
 - 2. **Motion: Vice-chairman Rob Collins moved that “manes” be replaced with “name” and “form” be changed to “from” in the last sentence of the second bullet of 6.2.3 of the Rules of Procedure Working Document Feb. 19, 2015.** Second: Chairman Rick Surette. The motion passed unanimously.
 - 3. Dianne Smith suggested that the phrase “Physical Address” in Appendix V be changed to “Mailing Address” to avoid confusion.
 - 4. **Motion: Vice-chairman Rob Collins moved that the term “Physical Address” be changed to “Mailing Address” in Appendix V of the Rules of Procedure Working Document Feb. 19, 2015.** Second: David Champy II. The motion passed unanimously.
- C. Consideration to Amend the Rules of Procedure in Regard to State Legislated Changes in Notification Requirements.

Motion: Vice-chairman Rob Collins moved that the first sentence of Appendix V of the Rules of Procedure Working Document Feb. 19, 2015 be replaced with a copy of the last sentence of Appendix U. Second: David Champy II. The motion passed unanimously.
- D. Proposed Amended Rules of Procedure in Regard to Legislated Changes in Notification Requirements.
 - 1. **Motion: Vice-chairman Rob Collins moved that the Planning Board accept the proposed changes to the Rules of Procedure as a working document with changes to Appendix T and 6.2.2.** Second: David Champy II. The motion passed unanimously.
 - 2. **Motion: Chairman Rick Surette moved that the Rules of Procedure Working Document Feb. 19, 2015 be accepted with amendments.** Second: Vice-chairman Rob Collins. The motion passed unanimously. After some discussion regarding the Rules of Procedure’s requirement to make changes to the working document before incorporating the changes to the official Rules of Procedure, the following was proposed;
 - 3. **Vice-chairman Rob Collins moved that the Planning Board rescind the previous motion.** Second: Geary Ciccarone. The motion passed unanimously.

X. Member Comments

State Representative Ed Comeau announced that a full county delegation meeting t at 10:00 AM on March 20, 2015

XI. Adjournment

At 9:19 PM the Planning Board meeting was adjourned.
Respectfully submitted by
George Nick, Administrative Assistant.

_____ Date 3/24/15

argument for having the alternate sit during subsequent discussions of the proposal. A rule of common sense would seem to be in order. If an alternate sat during most of the meetings on the petition then that alternate should as a matter of practicality, but not necessarily as a matter of law, sit on the final meeting when the matter is voted upon.” *New Hampshire Practice: Land Use Planning and Zoning, 3rd ed., Vol.15 27.07, p.362.*

5.2.5 If an alternate member indicates by behavior or absenteeism a lack of interest in serving the Board, the Board may, by a majority vote, request his/her resignation. Failure to resign may result in removal by the Board of Selectmen under the terms of **RSA 673:13**.

VI. DUTIES OF THE ADMINISTRATIVE ASSISTANT

6.1 General. The Administrative Assistant shall be responsible for the following tasks during and after meetings.

- Post meeting notices and publish the agenda.
- Distribute the last meeting minutes draft and other related correspondence to the Board members and alternates one week prior to the meeting.
- Attend meetings taking notes of meetings for minutes, documenting map and lot numbers of properties discussed at Planning Board meetings.
- Type minutes (draft copy must be available to the public; i.e., placed in the public access binder within the Town Offices within five (5) business days.)
- Correct minutes after draft review by Chair and by the Board, and file paper copies in the Planning Board File and in the public access binder.
- Display agendas, minutes and regulatory documents on the Town Website. All signatures, phone numbers and email addresses shall be redacted from documents displayed on the Town Website, exclusively.
- Open Planning Board mail and determine to whose attention it should be brought. Mail items that may have an impact on the Board’s agenda should be brought to the attention of the Chair.
- *When requested, the Administrative Assistant shall provide notification of all public hearing zoning changes to property owners. See 6.2.3 for details.*
- Other duties the Board may deem necessary.

6.2 Hearing Preparation.

6.2.1 The Administrative Assistant shall prepare for Site Plan Review and Subdivision Hearings as follows:

- Collect application and supporting documentation, verify the abutters list, and start a file.
- Assign a Case Number and identify parcel Tax Map Number and Lot Number(s).
- Copy the application fee check and pass it to the Board Chair.
- Assist Chair with scheduling.
- Have notice published in Granite State News or Foster’s Daily Democrat.
- Send notices to abutters by certified mail (return receipt requested).

6.2.2 The Administrative Assistant shall prepare for Zoning Boundary changes and Minimum Lot Size changes within a zoning district accordingly:

- *Collect supporting documentation, verify the affected property owners and start a file.*
- *Assign a Case Number and identify parcel Tax Map Number(s) and Lot Number(s).*
- *Assist Chair with scheduling.*
- *Have notice published in Granite State News or Foster's Daily Democrat.*
- *In instances where one hundred or fewer properties are affected by the change, send notices to property owners by first class mail. **Note: this notification requirement does not apply to petitioned zoning amendments (RSA 675:7,I).***

6.2.3 The Administrative Assistant, upon request, shall supply notification of all public hearings regarding proposed zoning changes accordingly:

- *All requests must be documented and signed on the Public Hearing Notification Form.*
- *The administrative assistant shall maintain a list of property owners who have requested to be notified of public hearings related to all Zoning Ordinance changes. Annually the administrative assistant shall submit a copy of the Public Hearing Notification List to the Assessor Clerk to verify that those on the list are current property owners. The names of any person who is no longer a Brookfield property owner shall be purged from the list.*
- *Notices shall be sent either electronically or by first class mail. Such notices shall be provided without charge to the recipient. **Note: this notification requirement does not apply to petitioned zoning amendments (RSA 675:7,I).***
- *Notices shall include a statement of the proposed changes to the zoning ordinance, the areas affected, and any other information that improves public understanding of the proposal in easily understood language (RSA 675:7,II).*

XIII. PUBLIC NOTICE

13.1. Public notice shall be given by posting in two (2) public places, including the exterior Town Office Bulletin Board, the Stoneham Corners Bulletin Board and Town web site.

13.2 Pursuant to RSA 672:3 and RSA 676:4, I (d), personal notice of the date upon which the application will be formally submitted to the Board, and of public hearings on the application, shall be made by the applicant, using certified mail, return receipt requested, not less than ten days exclusive of the day of posting and the day of the meeting prior to the date fixed for submission and consideration of the application to the Board (exclusive of the day of the meeting). The notice to abutters shall be required in accordance with RSA 672:3. Notice to holders of conservation, preservation, or agricultural preservation restrictions, and to any professional, including every engineer, architect, land surveyor, or soil scientist whose seal appears on any plat shall be required in accordance with RSA 676:4, I (d).

13.3 Notice requirements of public hearing(s) may be combined if the date(s) of the public hearing(s) are stated in the notice, and if the notice also states that if the application is accepted as complete, a public hearing may commence on the merits of the application.

13.4 Pursuant to RSA 675:7, any person owning property in the municipality may request notice of all public hearings on proposed amendments to the zoning ordinance, and the municipality shall provide notice, at no cost to the person, electronically or by first class mail. To request notice, a property owner shall submit the Public Hearing Notification Form to the Administrative Assistant.

13.5 Pursuant to RSA 675:7, if a proposed amendment to a zoning ordinance would change a boundary of a zoning district and the change would affect 100 or fewer properties, notice of a public hearing on the amendment shall be sent by first class mail to the owners of each affected property. If a proposed amendment to a zoning ordinance would change the minimum lot sizes or the permitted uses in a zoning district that includes 100 or fewer properties, notice of a public hearing on the amendment shall be sent by first class mail to the owner of each property in the district. Notice by mail shall be sent to the address used for mailing local property tax bills. A good faith effort and substantial compliance shall satisfy the notice by mail requirements. Petitioned amendments as authorized in RSA 675:4 shall not be subject to notification by mail requirements.

13.6 Public notice for a hearing shall be given ten or more days before the hearing (exclusive of the day of the posting and the day of the meeting) by posting a notice in two (2) public places in the town; namely, the exterior bulletin boards at the Town Office and Stoneham Corners; the Town web site, and by publishing in a newspaper of general circulation in the Town. The full text of the subject of the hearing need not be placed in the notice, but the notice shall give a clear description of the matter and state where the document may be reviewed. The notice shall also state the date, time, and place of the hearing.

Appendix T

Public Hearing Notification Form

I, the undersigned, request notification of all public hearings regarding zoning changes. My property is located at _____,

Brookfield, NH. Tax Map _____ Lot _____.

Please send such notices to the following email address: _____

or to the following physical address:

(printed name)

(signature)

(date)

Note: this notification requirement does not apply to petitioned zoning amendments (RSA 675:7,I).

OFFICE USE ONLY

Received on _____.
(date)

Entered on the Public Hearing Notification List _____.
(date)

Appendix U

Notice of Public Hearing to Amend the Zoning Ordinance: Publication Sample

NOTICE OF PUBLIC HEARING

Brookfield Town Office Building, 267 Wentworth Road, Brookfield, NH 03872, on January 26, 2015, at 6:30 PM the Planning Board will conduct a public hearing to amend the Zoning Ordinance for the purpose of clarification and to conform to state law in regard to the following proposals: (1) to add a definition of home occupation and home based business as businesses located and operated on the property where the owner resides or on an adjacent property used as part of the owner's residential property, (2) to make various minor typographical and grammatical changes which have no impact on the substance of the zoning ordinance, (3) to amend the building lot requirements and definitions to remove the requirement for an increased lot size in certain circumstances, to require frontage on a Class V or approved private road, and to require lots fronting on Kingswood Lake to have 250 feet of shore frontage.

Documents detailing the proposed changes to the Zoning Ordinance will be on display at the Brookfield Town Office in the public area.

Please confirm by phone or e-mail with date of publication and total cost.

Thank you.

Office Use:

<i>Date of Publication:</i> _____	<i>2x2</i>	<i>\$ 64.40</i>
	<i>2x3</i>	<i>\$ 96.60</i>
<i>Total Cost:</i> _____	<i>2x4</i>	<i>\$128.80</i>

Appendix V

*Notice of Public Hearing to Amend the Zoning Ordinance:
Town Bulletin Board and Web Site Sample*

Brookfield Town Office Building, 267 Wentworth Road, Brookfield, NH 03872, on January 26, 2015, at 6:30 PM the Planning Board will conduct a public hearing to amend the Zoning Ordinance for the purpose of clarification and to conform to state law in regard to the following proposals: (1) to add a definition of home occupation and home based business as businesses located and operated on the property where the owner resides or on an adjacent property used as part of the owner's residential property, (2) to make various minor typographical and grammatical changes which have no impact on the substance of the zoning ordinance, (3) to amend the building lot requirements and definitions to remove the requirement for an increased lot size in certain circumstances, to require frontage on a Class V or approved private road, and to require lots fronting on Kingswood Lake to have 250 feet of shore frontage.

Should a decision to approve or reject the proposed amendments to the Zoning Ordinance not be reached at the Public Hearing, the hearing may be continued to a subsequent second Public Hearing. Anyone needing assistance to attend this meeting or further information, should contact the Planning Board Administrative Assistant at 522-3688.

The application is available for inspection at the Brookfield Town Offices, in the Planning Board room. The Town Offices are open Monday, 1-8 PM; Tuesday, 8:30-1 PM; Wednesday, 2-6 PM; Thursday, 9-12 Noon; Friday, 10-2 PM. For additional available times, please contact the Planning Board Chair or Administrative Assistant by calling 522-3688.

August __, 20__.

*Brookfield Planning Board
George Nick, Administrative Assistant*