

PLANNING BOARD MINUTES
January 23, 2013

APPROVED:

AGENDA: WORKSHOP: LEGAL UPDATES BY ATTORNEY BERNIE WAUGH

ATTENDING: Dan Paradis, Phil Dion, Murray Campbell, Janice DellaCroce, Clay Dingman, Elizabeth Seeler

ABSENT: Denice DeStefano (Chairman – away), Steve Favorite (Alternate – away; FEMA)

OTHER: Town Attorney Bernie Waugh, Michael Capone (Town Administrator),
Lorraine Bohmiller and Sandra Heaney (ZBA)

The meeting was opened at 7:00 p.m. by Vice Chairman Dan Paradis with a quorum. Mr. Paradis turned the meeting over to Atty. Waugh.

LEGAL UPDATES:

Attorney Waugh distributed pamphlets of the updated laws and then went over them. They covered Impact Fees on State Roads, State Building and Fire Codes, Landowner quasi-immunity for recreation activity, Conservation Commission on Private Property, Prime Wetlands, Local Tree Wardens, Tax Impact Statements, Special Revenue Articles, Voter I. D. and Registration, Cemetery Fences, Right-to-Know Laws, Municipal Utility Work on Private Property, Electronic Tax Bills, Pro-Gadfly Law, Land Use Change Tax, Current Use Access Roads, Damaged Buildings, Capital Letters in the Constitution, Preemption, 5-Year Exemption, Failure to Timely Appeal ZBA, Site Plan Waivers, Building on Class VI Highways, Injunction, Road Excavations, Boundaries, Superior Court Decisions of Note, Nuclear Containment Facilities, Religious Exemptions, Taxpayer Signatures, Free Speech Rights, Nuisance & Takings, Highway Liability, Fireman's Rule, Bargaining Units, PELRB Jurisdiction, Composition of Bargaining Units, Constructive Discharge, and PELRB Authority.

Mr. Paradis asked about Current Use and Wind Turbines. Atty. Waugh answered that the area of the wind turbines and the road must come out of current use. If there is 10 acres or more that are left, they can remain in current use. Mr. Paradis asked if they would need subdivision and Atty. Waugh said that this is not necessary if they have the remaining 10 or more acres.

At this time, the Board took a short recess while Atty. Waugh played a tune on his fiddle for us. He was then thanked for coming in.

MINUTES OF JANUARY 9, 2013: The following amendment was made: Page 1, under "PCC: XLNT LAND, 2nd paragraph, 1st line, following "Because" insert "of a previous hearing on a" and delete "of the".

E. Seeler made a motion, second by C. Dingman, to approve the minutes as amended. The motion carried with one abstention.

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CORRESPONDENCE: Mr. Paradis read the notice of the LRPC meeting on January 28th at the Bridgewater Town Hall, 6:00 p.m., on renewable energy. He stated that he and Mr. Campbell will be attending. There was also the Jan./Feb. Town & City magazine which Mr. Dingman took to read.

NEW BUSINESS:

REPORTS:

Historic District Commission – Nothing to report.

Selectmen – Mr. Dion stated that they are trying to resolve the Robison Road issue. The wording states That the road will eventually be taken by the town. At present, we maintain the first 500 or so feet but the rest has been badly dug up by heavy equipment and the present developer has disappeared.

Capital Improvements Committee – Nothing to report.

PROPOSED ZONING AMENDMENTS - Mr. Capone stated that they need the Proposed Zoning Amendments for the ballot. The secretary will e-mail Ms. DeStefano about this.

MASTER PLAN - Mr. Capone then brought up the Master Plan Funding. As this was not placed in the budget, it will need to be a warrant article. Mr. Capone is questioning the amount of \$15,000. Mr. Paradis explained that things have gone slower than the Board anticipated. He was concerned that, if we lower the amount, will we be able to make it up the next year. Mr. Dion stated that the Selectmen would support the Board for that. Mr. Paradis felt that we need to check LRPC about a realistic basis; that Ms. DeStefano would be the one with the best estimate. Mr. Capone stated that the Budget Committee will be holding the budget hearing on Feb. 4th. He added that warrant articles can encumber funds for 2 years. The Board determined that they are fine with a determination by Ms. DeStefano. Mr. Campbell questioned why we wait until July or August to work on things like the Master Plan. He would like to get started on this right away. Mr. Paradis agreed with him but stated that we haven't decided on how to distribute the survey, as yet.

WIND TOWERS – Mr. Paradis stated that it has come to his attention that the Board should be cautious about expressing their opinion where wind towers are concerned as we could have smaller cases come in to us. Mr. Dion explained that in the Selectmen's letter, they stated that they are for renewable energy but feel we have enough in the area already. A discussion followed. Mr. Paradis stated that the Board could comment on things like clear-cutting, noise, etc. Mr. Campbell is going to e-mail 3 copies of letters for the Board to review. A discussion ensued where it was felt that one-page letters get more attention.

NEXT MEETING: The next Planning Board meeting will be held on Feb. 13, 2013 at 7:00 p.m. To date, there are two Site Plans on the agenda: Mid-State Health and Joseph Santamaria.

With no other business before the Board, E. Seeler made a motion, second by P. Dion to adjourn at 8:45 p.m.

Respectfully submitted, Jan Laferriere, recording secretary