

**Town of Fitzwilliam
Planning Board
Meeting Minutes
March 19, 2019**

Member's Present: Suzanne Gray, Chairman; Robin Peard Blais, Secretary; Terry Silverman; Karen Craig and Barbara Young; and Charley Kenison, Selectman's Rep.

Member's Not Present:

Others Present: Mike Methe; Dana Pinney; and Laurie Hayward, Land Use Administrative Assistant (LUA).

Call to Order: The Chair Called the meeting to order at 7:05 PM.

Possible new member: Gray opened the meeting. She told members that their folders contained a letter from Mike Methe expressing interest in being on the Planning Board. Methe told members that he is a long-time resident of Fitzwilliam. Methe shared something of history of volunteering in the Town, including that he has previously served on the Board of Selectmen and on the Zoning Board of Adjustment (ZBA). **Gray made a motion that Methe be recommended to the Board of Selectmen as an alternate; Kenison seconded the motion.** Craig raised a question about the referral to the Board of Selectmen and read a section from state statute. Gray explained that this is the procedure as it has been done including not so long ago when both Craig and Young were appointed as alternates. Gray agreed with Craig that it is important to make changes to bring rules in line with state statute. There was additional discussion about filling vacancies. **It was voted that Methe be recommended to the Board of Selectmen as an alternate.**

Re-vote of matters voted at the meeting March 5, 2019. Gray stated that the previous evening the Board of Selectmen discussed the procedure under which votes were undertaken the previous meeting, March 5th. After a brief discussion, **Kenison moved that everything voted on March 5th be re-voted; Young seconded.** Blais expressed that it is her understanding that, legally, there does not need to be a re-vote; but that aside, she was ok with doing that. **It was voted that there be a re-vote.**

Members took up the votes of March 5th.

Minutes of February 19, 2019. Gray noted that the minutes of Feb 19, 2019 were approved as amended and called for a motion. **Blais moved that the Minutes of February 19th be approved as amended, Gray abstained, Kenison seconded the motion and it was voted to approve as amended.**

Draft Letter to NextEra. The next vote taken was on the draft letter from NextEra. Silverman stated that he thought the letter was to come from the Planning Board attorney. Gray explained that the attorney has not yet formally been hired. That hiring involves the Board of Selectmen and an open question about the payment of attorney's fees. Kenison gave an update on that. Young asked if perhaps they should not send the letter. The LUA stated that based on the information that she had at the time which was based on the minutes of March 5th; she had Suzanne sign for the Board and the letter was sent. **Kenison moved that they approve the sending of the letter; Young seconded the motion, Gray abstained and it was voted to send the letter.** Asked about striking the first paragraph in the draft letter, Gray told members that was not included in the letter actually sent.

Vote for Rick Van de Poll, the Wetlands Scientist to review the Draft Shoreland Protection Ordinance. Silverman spoke about his sense that a Wetlands Scientist would be a good first step. Gray asked about the issue of money in the budget. Silverman stated that there is money for consultant's fees. There was a discussion about money and costs and whether there is money in the budget. The LUA explained that she had thought that the Budget line would be used to allow the Board to hire for something that involved a case or for review of changes to town Ordinances which are needed. Blais pointed out the example of the Board's past use of Carol Ogilvie as a specialist in Land Use. Craig asked who prepares the budget. Gray explained that the LUA prepares the budget and Gray reviews it. The LUA and Gray both stated that the budget was presented to the Board. Craig asked whether the Planning Board has its own legal budget and own attorney. The LUA explained that there are no "Legal" line items in the Land Use budget. In Fitzwilliam all of the money set aside for legal fees is held in the Select Board Budget.

Silverman stated that he feels the Select Board is slowing down the process whereby the Board can access funds for legal and is making the Board's job more difficult. Young explained that she was concerned about the vote to send to Van de Poll first as she understood that there was a different mission. She expected that the Planning Board Members would take up the draft language and work through it, making revisions as necessary. She didn't feel that they worked on making sure the language was in accordance with the state statutes and that left her feeling they didn't do their job. Kenison noted that he did see Silverman's point in that discussions were off point at the time. Blais agreed that some of the discussion was not appropriate to Shoreland. Gray stated that she has done a lot of work to review the draft and she would want to see members address the questions and do their own work and talk through the best way to draft the language. Craig stated that they should just send the current draft to Van de Poll. Young noted that she hoped that working on this language would represent an

opportunity to learn more. **Silverman moved to withdraw the motion for Van de Poll; Blais seconded the motion.** There was some discussion about the timing, before or after the Planning Board has done its work. Craig stated that she doesn't know how they can do all of the work they need to do. Gray pointed out that they had an expert provide help on this, Carol Ogilvie worked on it a year ago. Gray told Members that not involving Van de Poll now does not mean that they can't use Van de Poll at a later date. **Kenison moved the question and it was voted that the motion is withdrawn.**

Vote to have Paul Haynes fill the seat vacated by Matt Buonomano. Silverman moved that Paul Haynes be made a member and take the remaining one-year term of Matt Buonomano. Blais seconded the motion. Gray called for discussion. Gray asked if Paul would need to be named as an alternate. Silverman said, no, it would be as a full member. Craig read from state statute to support that post-election, the Board can choose a new member. Kenison stated that in the past, all members were recommended to the Select Board and the Select Board voted on that recommendation. He did note that the information provided indicated that the Planning Board did not necessarily have to do that. Gray questioned whether that is the case. There was some additional discussion. **Gray abstained and it was voted that Paul Haynes be recommended to fill the one-year term seat vacated by Matt Buonomano.**

Concerns discussed: Blais expressed a concern about getting the mailed copies of documents on time. She additionally stated that she did not receive copies at all this time. Gray stated that she did receive the packet with copies and it seemed Blais was alone. The LUA stated that she had to again type an entirely new sheet of labels for Blais' and asked that they get together and confirm the current address.

Craig and Blais stated that they did not feel that everything that was said on March 5th was in the March 5, 2019 minutes. Blais stated that, if the recording of that meeting was reviewed, it would be noted that much was left out and the conversation was different. The LUA stated that at almost every meeting there are complaints that minutes are too long. To shorten the minutes, as they have repeatedly requested, some things are necessarily left out.

Young expressed that she likes the idea of learning from going through the process of drafting the Shoreland Protection Ordinance. Craig expressed her concern that there are too many things that required the Planning Board attention. Craig does not know how they can expect to get done what needs to be done if they don't send things like Shoreland Protection off to others to work.

Craig commented that the Agenda should better keep track of things. She used Xtreme Auto as an example. Xtreme Auto was on the Agendas in October and November and was never completed but dropped off the agenda. After a brief discussion, Blais nominated Karen Craig to

Minutes approved as amended April 16, 2019

edit Matt Buonomano's last draft. Craig agreed to do this. Gray noted that Xtreme Auto will be on the agenda for next meeting. There was a discussion about keeping a "rolling agenda" and Young and Craig were in favor.

Craig indicated other concerns about items not on the agenda, like cases that they heard once and then they dropped off. Gray explained that the cases Craig is thinking of went to the Zoning Board of Adjustment and/or the Conservation Commission for their part of the process. Gray explained that they may come back to the Planning Board or not. If they come back to the Planning Board, they will be on the Agenda.

Added information for use in drafting the Shoreland Protection Ordinance. Gray suggested that there is a document prepared by the previous Land Use Assistant, Danica, which may be useful. Gray asked the LUA to send copies of that document to members.

Gray pointed out that there is a lot of work to be done and the group should work together to get things that need to be accomplished done.

Ordinances are out of date. Gray spoke about concerns that the ZBA has expressed regarding the Zoning Ordinances and the need to have ordinances that do not conflict with state statutes. She understands that the ZBA plans to send a letter to the Board of Selectmen expressing their concern and requesting support to have the Ordinances revised.

Minutes: Meeting of March 5, 2019. Young noted that the minutes showed her as a Member and she was an Alternate. There was an extended discussion about possible changes to the minutes. Craig pointed out that line 17 about her asking a question should be stricken and the LUA agreed with Craig, stating that Craig didn't get a chance to finish her question. Line 71 Ludlow, VT is corrected to Franklin, NH. There was a brief discussion about not using Titles in the minutes, only names. It was agreed to use names. Gray called for a motion. **Kenison moved that the minutes be accepted as amended; Young seconded, Gray abstained and it was voted to accept as amended.**

Blais indicated that she needed to leave.

There being no additional business to conduct, the meeting was adjourned at 8:28 PM. The next meeting is scheduled for April 2, 2019 at 7 PM.

Respectfully Submitted,

Laurie Hayward
Land Use Administrative Assistant