

ALSTEAD PLANNING BOARD
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MEETING MINUTES
September 11, 2017

Note: These minutes are furnished for public inspection in accordance with RSA 91-A:2 and are unapproved until offered for disposition by the Board at a regular meeting. **ACCEPTED AS CORRECTED 11/13/17.**

PB Members present: Peter Rhoades/Chairman, David Konesko and Joyce Curll, Matt Saxton, Tim Noonan and Chris RietmanN.

The meeting location was moved to the Town Hall from the Town Offices due to the number of interested persons attending. There were many people from the public who attended – the complete list is located in the Hearing file. Tim Noonan and Chris Rietmann are confirmed new Members to the Planning Board, and are voting Members for the purposes of this Hearing. Dan Curll inquired as to why Ellen Chase was no longer a Member. Noonan explained that she was not re-nominated, nor sworn in. Marsden asked if Peter Rhoades was sworn in. Noonan explained he wasn't yet, but that the Select Board supports Rhoades continuing on as a Member; but does not have that level of support for Chase to continue. Rhoades stated that he does not fully understand or support the Select Board's decision to not reinstate Chase too.

Rhoades/ Chairman opened the Continuation Hearing for the Lake Warren Watershed Management Plan at 7:15PM. The 8/27/17 Minutes from the Hearing were reviewed. A Motion (Saxton/Konesko) was made to accept them as corrected. Motion passed. Letters of support of the Management Plan from Bruce Montgomery, Frederick Ernst, Anita Jones, Mike Heidorn, Dan Curll, Mill Hollow Heritage Association and the CRLAC were read into record.

At 7:46pm Rhoades opened the Hearing to the public for comments. John Mann spoke first, stating he felt he has had a lot of resistance from the Select Board with this Plan – and it could be a result of it being 'misread/misinterpreted'. Mann explained that this Plan being proposed is a guide to ensure the lake gets preserved, as identified as a goal in the Town's Master Plan. Mann explained that the author who wrote the Plan is used to writing for policies and grants, and wrote it from an EPA point of view. Mann explained that there are 5 sections to the Plan – the first 4 are an analysis of what is going on at the lake, and what needs to be addressed; the 5th section contains suggestions to implement changes. Mann stated there are no time lines or requirements, only suggestions, that should be done to preserve the lake.

Rock Wilson/Alstead Selectman spoke next, stating his concerns lie with the incorrect statements located within the Plan – giving several examples:

- page 12 where it is stated “Lake Warren dam breached causing the 2005 flood”;
- page 44-46, and page 466, where it states points of work that need to be done
- page 5 regarding the statement of funding from the Town- Wilson stated there should be no assumptions of funding
- page 35 – what is listed is not a river
- page 59 – it stated outreach needs to be conducted – by who?
- page 99 the map section E5 shows 3 monitoring stations – Wilson stated he owns that parcel, and never gave permission for a monitoring station to be installed; Dan Curll spoke to that effect, stating that only a sample was taken in that location; that there was no 'actual monitoring station'.

Wilson also stated he had spoken to Rhoades/Chairman prior to the Hearing on 8/27/17, and Rhoades had stated he had not read the Plan yet. Wilson felt this Plan was a stepping stone towards the Zoning Ordinance, and that it needs to be corrected/changes need to be made prior to the Town adopting it. Wilson stated he could support it if the changes necessary were made (Noonan and Alan Dustin/Selectmen also present agreed). Noonan stated there seems to be no disagreement with the end goal – but the opposition lays with the methods to reach the goals. Tom Dowling asked for Noonan to clarify what he meant by 'methods' – Noonan said he meant to say processes instead of methods. Philip Sanford stated it can and will be revised.

Ellen Chase stated she was happy to hear that Noonan supports the goal, and wanted to understand what he meant by 'low hanging fruit' issues that may be causing some of the problems. Noonan stated he was concerned with the large manure pile (that he feels is half the size of the Town Hall) that leaches into the lake that Bill Jahos stores on a lot, in a field, next to Carmen Way. Noonan also stated that a port-a-potty should be installed at the boat landing.

Saxton spoke up and gave clarification on the Public Hearing process – that the Planning Board listens to public input, but then would deliberate the matter themselves.

Bob Quaglin spoke next about if the Plan got adopted, that it makes the Town eligible to apply for certain grants that could help with the effort to preserve the lake. Quaglin stated there were some grants that could be applied for without the Watershed Plan being adopted. Rhoades spoke to that effect, clarifying that certain grants need a Watershed Plan in place in order to apply for grants/funding. Rhoades also stated that this Plan will exist as a guide, even if the Planning Board was not to adopt it. Rhoades further explained that if it got adopted, it shows the EPA that the Town is serious about doing the work and fixing the problems – and by it not being adopted, it affects the Town's ability to apply for certain grants.

Member Curll explained that there were nine steps required to apply for Section 319 grants, and that SWRPC has already received three grants – 2 of which because it is on an impaired lake; the 3rd because significant progress toward adopting this Plan had been made.

Rietmann stated that the Plan can change/develop overtime – and that it should continue to change. Member Curll stated that was correct – as it was a living document. Wilson asked what the process was to make changes to the Plan, and to act upon recommended changes. Mann stated some items he wanted to clarify after speaking to SWRPC – that it would be difficult to make changes to this document without starting the process over (which would be costly); but that a process could be proposed for making changes – example “having a 1-page statement that says 'this Plan incorporates the entire book; and attached to the Plan are the following amendments’”. Mann also clarified that just because town funding was mentioned, it did not mean that the funding will automatically happen. Mann stated that the same process of budget hearings and the Select Board would need to be followed/consulted.

Rhoades weighed in that he had too checked with DES and SWRPC, and that Mann was correct in his reporting that they will not re-write the Plan. Their recommendations were to have amendments, and that the Planning Board can approve the Plan conditional upon amendments/attachments.

Anne Cartwright asked why the Board was in a rush to adopt it, as it has only been on the Town Website since 8/17/17. Joe Cartwright pointed out that the Master Plan took a long time to adopt; taking a long time to educate the public – and that this Plan has only been available to the public to review for 25 days – and he hasn't even had a chance to read it yet. Chase stated that the Master Plan was an outgrowth of many meetings, and this was one area that was identified within the Master Plan.

Noonan inquired if the Planning Board were to adopt the Plan, then would it no longer belong to the Lake Warren Association. Rhoades stated that if the Planning Board changed the Plan in a way that the Lake Warren Association

no longer felt it met their requirements, than it would no longer be considered a valid Plan, and would affect their eligibility for certain grants. Rhoades stated this Public Hearing allows the public to give their input/comment.

Noonan, again, asked for clarification on if this Plan got adopted, if it no longer would be the Lake Warren Association Plan. Curll clarified that the Plan was not owned by the Lake Warren Association; that it was a Lake Management Plan. Rhoades and Saxton both stated that if the Plan is adopted it becomes part of the Town's Master Plan; reminding everyone that developing this Plan was a joint effort by the Select Board, the Planning Board, the Conservation Commission, the Lake Warren Association, and SWRPC.

Tom Dowling spoke next, stating that he has been a lake owner and involved with the lake for 40 years – and that the Lake Warren Association has spent their own personal money with matching funds to fix the dam, to pay lake costs for weed watching, etc – and that they have never asked the Town for money. Dowling stated that this Plan identifies what measures can be done to protect this asset. Dowling stated he feels the Town should adopt this – and that the Lake Warren Association understands that corrections need to be made, and that they will need to work with the town's people/tax payers and the Select Board, in order to secure some funding.

Priscilla Sawa spoke in favor – stating that she had really studied the Plan, and would like to see it adopted tonight, and then set-up a process in order to make changes. Dennis McFarland also spoke in favor of adopting the Plan tonight – stating he was a weed watcher – and this Plan simply gives recommendations to preserve the lake – and that nothing in it is binding on the Town. Bruce Montgomery stated that it is quite normal for plans to get updated/corrected, etc.

Dan Curll stated that he and Joe Cartwright both attend the 'Coffee Hour' at the library monthly, and are used to hearing differing opinions. Curll said it seems to him that Noonan is concerned that things are left out of the Plan – and Curll feels the beauty of having a plan is that it can be altered/changed – and he recommends getting it in place, and then having a place to go from.

Nathan Lyczak/Kroka felt the Plan was very comprehensive, and that it was a good place to move forward with.

Noonan stated he felt there were three types of plans – 1) shelf document – like the original Master Plan; 2) a working plan – more involvement needed; and 3) a living plan. He feels the Watershed Plan is a combination living and working plan that is needed to meet the requirements for certain funding opportunities. Rhoades stated he did not feel the Master Plan was a shelf plan – as a lot of work and input went into it – and that he often refers to it – further stating that this Watershed Plan is a logical step. Saxton stated he felt the concerns Noonan had with this Plan was because there were a lot of action items – Noonan agreed with this statement. Saxton reminded Noonan that all those ideas still need to go through the Select Board, and they are only suggestions of what could be done.

Rhoades stated that it is now known that only 2% of the water contamination comes from water fowl, where originally years ago, it was felt that water fowl were the main contributors to the contamination – pointing out that this plan has provided the Town with more scientific information, showing that run-off is the main problem.

Rietmann stated that the Select Board makes the decision where to spend the money, but overall, the money needs to first get approved by the tax payers/townpeople.

At 8:56pm Rhoades asked for a Motion to close the Public Hearing and to start the Deliberations. A Motion (Rietmann/Curll) was made to close the Hearing and open the Deliberations. Motion passed. Rhoades stated that the Board could still ask for input if they felt they needed it. Deliberations were opened.

Rietmann stated that the Board had several options – to accept with no modifications; to accept with modifications or to decline. He stated he would like to see a process in place to continue to allow for modifications to the Plan.

Rhoades stated the process was already in place – that the Planning Board and Zoning Board meet yearly to discuss any proposed/needed changes; if some are needed, then a Public Hearing gets held on the proposed amendments. Rhoades added also that the Municipal Attorney gives us a Law Update each year as well. Rietmann clarified that anyone from the public would be welcome to bring any proposed changes needed to the Board's attention at anytime, without a Public Hearing. The nine points of concern were discussed:

- 1) A factual correction on page 12 that “the Lake Warren Dam was over-topped in 2005” was needed.
- 2) need to add that this document recognizes the Select Board or the legislative body has responsibility for the town highways.
- 3) Rietmann wanted the clarification 'all changes to ordinances by RSA must be approved by the legislative body' added. As it pertains to Zoning Ordinances – Noonan felt the watershed should fall within one district; Noonan added that he was happy the Town was adopting a plan for Lake Warren that was not owned by the Lake Warren Association.
- 4) Rhoades felt it was implicit in understanding that there are no assumptions of funding from the town, and that no further clarification was needed; Rietmann agreed. Noonan stated he would like to know a dollar value of gain for each dollar the town spends on this Plan.
- 5) Rhoades asked if the town had an official list of all rivers/streams. Saxton added the comment that was anyone really sure if the intermittent stream shown on the map was commonly referred to as Spruce River. Rhoades stated it was not up to the Planning Board to re-name rivers/streams – that the Select Board could do that.
- 6) Rhoades stated that the parties that would approach landowners would be from the Conservation Commission, the Society for Protection of NH Forests and the Monadnock Conservancy – all of whom are respected and ethical – and go through extensive training. Rietmann stated he felt the wording was bureaucratic. Saxton stated the wording might have gone too far. It was decided there was no change needed beyond disregarding the statement “particularly those facing generational change” located on page 59.
- 7) Rhoades stated that a general statement should be added to say 'Private property rights should be observed and private landowners should be consulted before monitoring work or other activities recommended in the Plan are undertaken. The monitoring stations noted on the map on page 99 are not permanent structures and are only the location of a historical testing site'. Rhoades added clarification that land, unless posted, the general assumption is the land is open to the public, but you must leave immediately if asked.
- 8) The issue was already discussed before regarding primary authorities responsible for implementation of the Lake Management Plan.
- 9) It was agreed that the NH Fish and Game Officer was not trained, nor obligated, to understand the issues.

Saxton made the recommendation to accept with corrections. A list of conditions/changes were made, as follows:

- 1) 'A factual correction on page 12 that the Lake Warren Dam was over-topped in 2005';
- 2) 'This document recognizes the Select Board or the legislative body has responsibility for the town highways';
- 3) 'All changes to ordinances, by RSA, must be approved by the legislative body';
- 4) 'Approval to disregard the statement “particularly those facing generational change” located on page 59';
- 5) 'Private property rights should be observed and private landowners should be consulted before monitoring work or other activities recommended in the Plan are undertaken. The monitoring stations noted on the map on page 99 are not permanent structures and are only the location of a historical testing site'.

Rhoades asked if the Board had any other suggestions. None were made. A Motion (Saxton/Curll) was made to close the Deliberations. Motion passed. A Motion was made (Saxton/Konesko) to adopt the Lake Warren Watershed Management Plan including the list of 5 changes/conditions aforementioned. The vote carried unanimously with 1 abstention..

The 8/14/17 Meeting Minutes were reviewed. A Motion (Saxton/Curll) was made to accept them as corrected. Motion passed,

It was clarified that there were now 6 Full Members (1 more needed) and 1 Alternate (2 more needed).

Information regarding the Fran Macri property brought to the attention of the Planning Board was discussed. There was no action required of the Planning Board. *Marsden to pull the 2011 folder to look to see if a Voluntary Merger took place concerning the Sznauder Map34/Lot54. The Mallia situation was briefly discussed - it did not appear to be two legal lots of record – it was simply one lot with a cutout that was rented to a daughter.

A Motion (Saxton/Rietmann) to adjourn the Meeting was made. Motion passed. Meeting adjourned at 10:03PM.

Respectfully Submitted,

Melanie Marsden/Admin. Assistant

THE NEXT REGULAR MEETING IS SCHEDULED FOR 10/9/17 AT 7PM AT THE ALSTEAD TOWN OFFICES.