

**Town of Haverhill
PLANNING BOARD
Meeting Minutes
Tuesday, September 28, 2021, at 7:00 PM
R. E. Clifford Memorial Building
65 South Court St.
Woodsville, NH 03785
And on Zoom**

1. CALL TO ORDER: Gary Hebert, Chair, called the meeting to order at 7:00 PM.

Roll Call Attendance: Don Hammond (Here); Howard Hatch, Select Board liaison (Here); Joe Longacre, Vice Chair (Here); John Nelepovitz (Here); Gary Hebert, Chair (Here). A quorum was met.

Town Employees Present:

- Jennifer Boucher, Assistant Town Manager
- Joanna Bligh, Planning Board Clerk, Project Coordinator

Haverhill Corner Commissioners: Doug Dutile, Mike Lavoie

Haverhill Corner Planning Board: Sherri Tice, Chair; Peter Tice, Secretary; Ed Ballam (absent); Doug Dutile, ex officio.

Members of the Public Present: None.

2. Designation of Alternates: None.

3. AGENDA APPROVAL

MOTION #1: Hatch made a motion and Longacre seconded the motion to approve the Agenda as written.

Voice Vote: All approved, none opposed, none abstained. The motion passed.

4. APPROVAL OF MINUTES FROM THE PREVIOUS MEETING

MOTION #2: Longacre made a motion and Nelepovitz seconded the motion to approve the Minutes from **August 10, 2021**, as amended.

- Longacre noted a typographical error on page 2, bullet 3.

Voice Vote: All approved, none opposed, none abstained. The motion passed.

5. PUBLIC APPEARANCES (previously scheduled): None.

6. PUBLIC HEARING: None.

7. NEW BUSINESS: None.

PENDING BUSINESS:

Haverhill and Haverhill Corner Planning Boards' Discussion

Hebert stated that he recommended that the Haverhill Planning Board members offer their opinions on the topic of the Town of Haverhill duplication of land-use approvals for property owners in precincts, and then the Chair will open the floor for discussion from everyone.

- Nelepovitz expressed that the Haverhill Corner Planning Board approves whatever is needed, and the Haverhill Planning Board will not supersede their decisions. Nelepovitz noted that an issue came up about the transfer of tax assessing information to the Town.
- Longacre stated that it was the assessing part that was at issue and needs to be addressed.
- Hatch stated that whatever happens, the information has to come into the Town offices, and someone has to be responsible for making the record of the application. Hatch noted that is where things are being missed.
- Hammond asked for more information.
- Hebert reviewed the Minutes' statements from the last meeting, and expressed that this process has to be legal as stated in the Town's attorney's opinion, as follows:

“...we [Mitchell Group] do not believe that applications which receive approval from the Haverhill Corner planning board are exempt from obtaining approval from the Haverhill Planning Board. Although there is no statute or case law on point of which we are aware, the property is located in two municipalities, and must abide by both municipalities' regulations. Therefore, unless the town of Haverhill is willing to delegate its subdivision authority over property located in Haverhill Corner entirely to that entity's planning board, applicants must obtain the approval of both boards in order to subdivide their property.”

Hebert stated that nothing in the statutes state that the precincts answer to the Town's Planning Board, and the precinct is its own entity. Hebert stated that the process is an administrative function and not a Haverhill Planning Board function because it has been established that the Haverhill Planning Board has no authority over the Haverhill Corner Planning Board.

- Boucher stated that there are two separate issues: 1) The Planning Board piece, which was never assumed that this Planning Board had authority over the precinct and 2) There are two separate and distinct boards, but the Town has nothing in the Subdivision Ordinances that addresses this issue. Therefore, updating the regulations is a priority. Hebert stated that that process is an administrative process and not a Planning Board issue, and after this discussion every concern will go to the Town Manager and the Select Board.

Hebert opened the floor to the other members.

- Doug Dutile, Haverhill Corner Commission, Chair, and Haverhill Corner Planning Board, ex officio member, stated that the Commission sets policies and procedures for the Planning Board. Dutile noted that during a previous meeting, which Boucher and Bligh attended, it was clear that proper documentation was missing. Dutile provided the members with a form that the Haverhill Corner Board developed, and which was approved by the Commission to document the transference of land-use materials to the Town offices (see Appendix A). Dutile continued that the goals were to speed things up and to prevent applicants from “jumping through two hoops.”
- Sherri Tice, Chair of the Haverhill Corner Planning Board, stated that they were in agreement that the planning boards are two separate entities because Haverhill Corner is a historic district and has more stringent zoning rules, and this form will make sure there is culpability on both sides. Hebert agreed that the boards are two separate entities, and this is an administrative function and not a function of the Haverhill Planning Board.
- Boucher noted that the Town Administration is not telling the boards that one has authority over another. Boucher continued that both planning boards must approve the land-use application because both have procedures and guidelines that have to be followed. Hebert stated that both he and the Haverhill Corner Board disagree.
- Mike Lavoie, Haverhill Corner Commissioner, stated that he has previously gone through the process and noted that what was missing was the paper trail. Lavoie noted that the RSA does not say that duplication is needed for approval of Haverhill Corner land-use applications, and this form should take care of that.
- Hebert brought up the hypothetical case of approval or disapproval of each planning board, and he asked who the governing body would be.
- Peter Tice, Secretary Haverhill Corner Planning Board, stated that the approval from the Town would be an unnecessary step.
- Boucher noted that anyone in the Town of Haverhill has to follow their regulations, and if the Haverhill Planning Board does not address a land-use application, they are being deficient as a Board. Boucher continued stating that the Haverhill Planning Board simply has to say that whatever Haverhill Corner decides is final.
- Hatch noted that the discussion is getting out of hand. Hatch noted that the Select Board has not agreed on any of this, and it seems like the lawyers are drawing up the rules and we cannot write our own rules anymore.

- Hebert noted that during the revision process of the Haverhill Subdivision regulations, an exemption clause can be included regarding Haverhill Corner or any other precinct. Hebert noted that this was a courtesy discussion tonight, and the paper trail was developed for the Administration.
- Longacre asked what reason there would be to reject the Haverhill Corner decision. Longacre continued that if Haverhill Corner approved a land-use application, the Haverhill Planning Board needs to be informed and this application is sufficient. Longacre continued that to satisfy the statute, the Haverhill Planning Board would receive the application information, acknowledge it, and approve it, which could be inserted in the subdivision regulations. Hebert stated that he recommends exempting it and not being part of the process.
- Robbins suggested that the Haverhill Planning Board Clerk, Joanna Bligh, receive the documents, notify the Planning Board, and record the plan.
- Dutile responded stating that the Haverhill Corner Planning Board has a meeting next week and he would like to get some clarification of processes. Hebert noted that fees for the Haverhill Planning Board processes were waived. Robbins stated that Bligh would process the application at the Registry of Deeds. Dutile asked for the Board's position because there has not been a vote. Lavoie stated that with their form they have all the signatures in place.
- S. Tice responded that it seems like an unnecessary step because Haverhill Corner Planning Board has already been submitting. Dutile noted that the reason the Haverhill Corner Board is at this meeting is to make sure the next applicant does not have to go through the extended process that the Lavoie's went through.

MOTION #3: Hammond made a motion.... WITHDRAWN.

MOTION #4: Hatch made a motion seconded by Longacre to have Haverhill Corner Planning Board proceed with their process on land-use applications and turn in the subsequent paperwork (see Appendix A) to the Town Administration.

Voice Vote: All approved, none opposed, one abstained nonverbally. The motion passed.

The Chair thanked the Haverhill Corner Planning Board and the Commissioners for attending the meeting.

Town of Haverhill Subdivision Regulations

Hebert addressed the annotated subdivision document from the Mitchell Group and suggested the members add their own comments and corrections. Hatch noted that a lot of work has been put into this document over the years. Hammond stated that 10 years is the interval for review. Longacre expressed that many of the changes are just

wordsmithing, which is unnecessary and costly. Hatch stated that over 50 years, the Town has spent money on opinions by attorneys and have not answered his questions. Hammond stated that he was Planning Board Chair when this was approved, their committee went through every step of the RSAs, and there is no reason for this to be reviewed at this time. Hammond discussed an addition to the regulations about the exchange of deeds.

Longacre suggested a work session to review the regulations outside of regular meetings. The Board selected **Tuesday, October 12, 2021, at 7:00 PM** at the Morrill Building Conference Room. Hebert noted that the attorney is not needed for this initial review.

Woodsville Pit Update

Hebert stated that he has not been able to visit the Woodsville Town Administrator to discuss the Woodsville pit. Hebert stated he will table this until the next meeting.

Town Pit Update

Boucher stated that the Road Foreman Colton Grant will install orange construction fencing along the berm at the top of the slope at the Town pit.

Vertex Towers

Boucher introduced the preliminary review of the Vertex Towers site plan application. Boucher noted that at the October meeting, a site plan review will be presented during a Public Hearing. Boucher stated that they applied for a building permit because the height of the tower exceeds the regulation's limit, so she will deny that building permit. Boucher noted that an appeal will be brought before the Zoning Board of Adjustment for a variance. Discussion continued.

8. CORRESPONDENCE / COMMUNICATION:

Hebert announced that a letter came from the Town of Littleton to notify the Town of Haverhill about blasting at a Littleton gravel pit that may affect outflow into the Ammonoosuc River.

9. COMMENTS OF TOWN STAFF: None.

10. COMMENTS of the PLANNING BOARD MEMBERS:

Nelepovitz: Nelepovitz stated no comments.

Longacre: Longacre stated that after October 12, he will have comments.

Hatch: Hatch stated that he has questions about when the Town Administration office is open and about a building permit he was aware of.

Hammond: Hammond asked about the Master Plan. Hebert stated that for the October meeting the consultant June Garneau will visit. Hatch noted that the price changed a lot from the budgeted amount, and he emphasized and felt there was a consensus for in-person meetings.

Hebert: Hebert apologized for his outburst at the meeting.

11. NEXT MEETINGS: Work Session Tuesday, October 12, 2021, at 7:00 PM at the Morrill Building Conference Room. **Regularly Scheduled Meeting** Tuesday, October 26, 2021, at 7:00 PM at the Clifford Building.

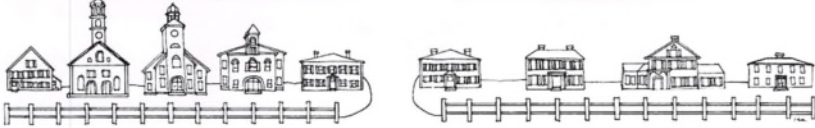
12. ADJOURNMENT

MOTION #5: Longacre made a motion and Nelepovitz seconded the motion to adjourn the meeting at 8:05 PM.

Voice Vote: All approved, none opposed, none abstained. The motion passed.

Joanna Bligh, Transcriptionist

APPENDIX A



Precinct of Haverhill Corner
PO Box 11
Haverhill, NH 03765

603.989.5655
office@haverhillcornernh.com

Haverhill Corner Planning Board

Acknowledgment of Receipt

I _____ am a representative for the
(Please print your name)

Town of Haverhill, Haverhill Planning Board, Grafton County Register of Deeds.
(Please circle one(s))

Book # _____

Page # _____

Type of document(s) _____
(examples: Lot line adjustment / Subdivision)

Name on document(s) _____

Physical address on document(s) _____

All documents have been approved by the Haverhill Corner Planning Board and are for your recordings.

I have received the documents as stated above _____
(Your signature as the receiving person)

Date: _____

Planning Board Doc approved: 09-15-21