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Washington NH - Planning Board

Public Hearing Transcript

December 5, 2023

Members Present

Jim Crandall - Chair
Fred Douglas - Board Member
Peter Martin - Board Member
Nan Schwartz - Secretary
Jean Kluk - Alternate
Mark Florence - Alternate

Members Absent

Don Revane - Ex-officio

Visitors

Zachary Ordway - Applicant
Barbara Druid - Abutter
Laura Rizzi - Abutter
Jed Schwartz
Nick Cashorali



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Summary

Zach Ordway Business Permit

During a public hearing for the Ordway business permit, Fred Douglas, a board member, confirmed the presence of the applicant, Zachary Ordway, and abutters Barbara Druid and Laura Rizzi. Ms Schwartz verified the application was in order following a site review conducted by herself and Mr. Florence, where notes and photographs were taken. Ordway detailed his part-time meat processing business and his wife's bread sales from their farm stand, emphasizing the ventures were small-scale and not intended for expansion. He addressed concerns about by-product disposal, stating all waste was transported to Scott's property in Hillsborough for use within his game reserve. Ordway also mentioned their modest sales of meat chickens to offset costs and assured that they had no plans to grow their operations.

The board received letters from abutters with mixed reactions; some had no issues, while others expressed concerns, particularly about waste disposal and the protection of wetlands. Ordway clarified that there were no natural wetlands on his property and that a comprehensive drainage system was in place to prevent water accumulation. He also explained his waste disposal process, involving large trash cans transported to Scott's land. Laura Rizzi, an abutter, raised concerns about potential contamination and shared an incident involving deer parts found in her driveway, questioning if it was an act of intimidation.

Mr Schwartz, a supporter of Ordway's permit, praised the cleanliness and order of Ordway's facility, his respectful treatment of animals, and the quality of his butchering work. As a member of the Conservation Commission, Mr Schwartz also confirmed the absence of wetland or watershed concerns related to Ordway's operations. The hearing concluded with Douglas announcing that the vote on the permit would take place after the public meeting that evening. Ordway offered to address any further concerns, while Rizzi expressed hesitation about visiting his property due to his large dogs.

Driveway Regulations

At a recent board meeting, the discussion centered on the revision of Driveway Regulations, specifically LUO 307, and the associated application form. Mark Florence, an alternate board member, led the discussion, explaining that the town had revised the ordinance to address issues such as the inability to regulate driveways connecting to state-maintained highways. The revised LUO 307.2 incorporated health and safety conditions directly into the ordinance, and the application form was simplified. The board also created a separate "Driveway Regulations" document, drawing on the town of Goshen's recent updates as a model.

The board considered two items: the approval of the driveway regulations and application form, and the approval of the draft of LUO 307 to proceed to the budget hearing. Florence proposed conditionally approving the regulations and application form, contingent upon the town's approval of LUO 307. During the public comment period, Nick Cashorali expressed concerns about the public voting on a substantial document without prior review, to which board members clarified the content and intent of the documents.

Board members, including Peter Martin, raised several questions about specific sections of the regulations, seeking clarification on issues such as driveway width requirements, the necessity of certain paragraphs, and the consistency of language between the regulations and application form. The board agreed to make some amendments, such as changing "may" to "must" in certain contexts and correcting a typo. They also discussed the potential requirement for the Fire Chief's signature on the application form, recognizing that this change would necessitate a careful review of all related documents. With several edits to be made and a second hearing scheduled for January, Florence agreed to prepare a verbatim summary of the discussion for the next public

hearing, as he would not be present. The public hearing was then closed by board member Fred Douglas.

Transcript

Zach Ordway Business Permit

- 6:30 pm **Douglas** The first item of business is the public hearing for the Ordway business permit. Is Mr Ordway here?
- 6:30 pm **Ordway** Yes, sir.
- 6:31 pm **Ms Schwartz** Also present are abutters Barbara Druid and Laura Rizzi.
- 6:31 pm **Douglas** The site review was made on Sunday. Ms Schwartz, you were present with Mr Florence. Notes were made as well as pictures were taken. Is the application all in order?
- 6:31 pm **Ms Schwartz** It is.
- 6:31 pm **Douglas** Okay. Mr Ordway, do you wish to say anything.
- 6:32 pm **Ordway** I am currently engaged in processing meat, specifically wild game and pig, to provide a service for those who require it. Meanwhile, my wife has taken up the initiative to sell bread from our farm stand, which is conveniently located at the end of our driveway. For her, baking bread is more than just a pastime; it's an enjoyable hobby that complements her role as a stay-at-home mother.
- As for myself, meat processing is a supplementary source of income. It's not my primary focus, as I hold a full-time job that occupies my schedule from Monday to Friday. Therefore, the meat cutting venture is strictly a part-time endeavor. At this juncture, I am not looking to expand this aspect of my work, as it serves its purpose without being the centerpiece of my professional life.
- 6:33 pm **Douglas** I understand you have, what, about three and a half acres?
- 6:33 pm **Ms Schwartz** 3.7 acres, in fact.
- 6:33 pm **Ordway** There has been considerable concern regarding the disposal of excess by-products from our livestock. I would like to clarify that all such materials are transported to Scott's property in Hillsborough. For those who may be unfamiliar with the area, it is relatively close to our location. Scott utilizes these by-products for various purposes within his game reserve.
- Apart from this arrangement, there isn't much else happening on our property. We raise cattle primarily for personal consumption and to provide for our family members. Additionally, we manage a small number of pigs and produce meat chickens. While we do sell meat chickens, the volume is quite minimal—only about 50 to 75 chickens annually. This modest venture is simply to help offset some of our costs; we have no intentions of expanding our meat sales.
- In summary, our current operations involve raising livestock for personal and family use, with a small-scale sale of meat chickens to assist with expenses. We are content with the scale of our operations and plan to maintain this level of activity, provided that our arrangement continues without any issues.
- 6:34 pm **Douglas** We did get a few letters regarding the permit. One came from the Select Board. They have no issues.

6:34 pm **Ms Schwartz** No, that was from Sandy Eccard, who is an abutter.

6:35 pm **Ordway** Actually, there were two letters in favor, and one that had some issues.

6:35 pm **Douglas** I have received another letter, this time from James and Marianne Garvin, who are also abutters. They have expressed that they do not have any issues, except for some concerns regarding the butchering aspect that you previously explained.

6:35 pm **Martin** One of the concerns highlighted in a letter pertained to the protection of the wetland from contamination. The question raised was: How can we ensure that the wetland remains free from pollutants?

6:35 pm **Ordway** Regarding the wetland, I must clarify that there are no wetlands present in that area. I've come across information suggesting that there are drains situated at the end of the driveway. These drains are connected to the perimeter drainage system of my house, which is designed to channel water away from the foundation. Additionally, the soffits of the house are constructed to direct water downward, ensuring that no water is improperly dispersed. Overall, there is a comprehensive drainage system in place to prevent any water accumulation. Every drain does to my septic tank.

6:36 pm **(Crosstalk)**

6:36 pm **Douglas** Your question was how big is the septic tank?

6:36 pm **Ordway** Unfortunately, I don't have that information. Probably 1000 gallons.

6:36 pm

The transcript is unable to distinguish Ms Rizzi from Ms Druid. For convenience, "Rizzi" is used henceforth to refer to either.

6:37 pm **Rizzi** We don't know where the leach field is and we fear it might contaminate the *unintelligible*.

6:37 pm **Ordway** We have a drilled well as well. I wouldn't want to contaminate that either.

6:37 pm **Rizzi** We were not aware of your plan, and receiving the letter was quite unexpected for us. Consequently, we are uncertain about whether you have intentions to expand or not. Our main concern is to maintain the cleanliness of the area.

Additionally, we have experienced some troubling incidents that have raised our concerns further. For instance, one day upon returning home, we discovered several pieces of deer in our driveway. This led us to wonder if it was a targeted message or some form of intimidation, possibly because of our sexual orientation. Initially, we were unsure, but upon reflection, we realized that it might have been a deliberate act.

6:38 pm **Ordway** I'm also not the only person in Town who does butchering.

6:38 pm **Rizzi** Our primary concern revolves around the disposal of waste. Specifically, I am troubled by the issue of disposing of bones, as the marrow within them poses a contamination risk.

6:39 pm **Ordway** I own several large trash cans, each with a capacity of 55 gallons. In total, I believe I possess around six or seven. When these cans are filled, I load them onto the back of my truck and transport the contents to be disposed of elsewhere, effectively removing all the waste.

David Scott is someone who possesses a considerable amount of land. He is committed to maintaining the cleanliness and aesthetic appeal of his property, and he takes great care to ensure that the area remains pristine.

- 6:39 pm **Rizzi** There's a pristine trout stream that goes through your land.
- 6:39 pm **Ordway** I am not aware of any natural wetlands on my property. In fact, any wet areas that do exist are solely due to the perimeter drains installed on the premises. It's evident where these drains are located. I place a high value on cleanliness and tidiness, as you may have observed. When I first acquired the property, the yard and its surroundings were in a state of disarray. Since then, I believe I have made significant improvements in cleaning it up. My efforts have not only enhanced my own property but also contributed to the betterment of the neighborhood as a whole.
- 6:40 pm **Rizzi** You have beautiful bread.
- 6:40 pm **Ordway** Exiting the rear of the barn, you'll notice in the photographs the presence of a perimeter drain. This drain is situated directly behind the barn and is designed to manage water flow in that area. You can observe water currently running towards it, indicating its active role in drainage.
- Additionally, there is a distinct line that feeds into this perimeter drain. This line is part of the well system, specifically from my well, which features a blowout at its top. The line extends from this point and converges with the perimeter drain, utilizing the same exit path for drainage purposes. Is there anything else that you guys have a concern about? I'd love to answer any question.
- 6:42 pm **Rizzi** At the outset, we were unaware of the potential growth our business would experience. As it expanded, it began to impact the nearby East Washington pond, which is a popular spot for locals and visitors alike, especially during the summer months. Many people are drawn to this area to swim and enjoy the warm weather. Given this, I have growing concerns about the upcoming season and the effects our business may have on the pond and those who frequent it.
- 6:42 pm **Douglas** Are there any more comments?
- 6:42 pm **Mr Schwartz** I am here today to express my strong support for the granting of this business permit. My background as a farmer in East Washington spans over four decades, during which I have dedicated myself to raising animals, including lambs, on an annual basis. This experience has necessitated finding suitable facilities for processing, leading me to travel extensively across New England in search of such services. Throughout my journeys, I have visited a multitude of processing plants, ranging from large-scale operations to smaller, family-run establishments.
- In my several years of acquaintance with Mr Ordway, I have come to know his operation intimately. I can attest to the exceptional cleanliness and orderliness of his facility. Each time I bring my animals there, they are welcomed into immaculate stalls with access to fresh water. Mr Ordway's compassionate treatment of the animals is evident, and it is a testament to the fact that one can raise animals for consumption while still holding a deep respect and love for them.
- The butchering room at Mr Ordway's facility is a reflection of his meticulous standards, always maintained in a pristine state. The quality of his work extends to the presentation of the final product, which is consistently impressive. Although this is not his primary industry, Mr Ordway approaches his work with the dedication and finesse of a true craftsman, elevating his practice to an art form. In my extensive experience, I have only encountered a few other operations that match the level of tidiness and professionalism that his facility exhibits.

Additionally, my role on the Conservation Commission has afforded me a thorough understanding of local watershed issues. I am familiar with the various waterways in the area, including Woodward Brook, which runs behind Mr Ordway's property, and Perling Bek, originating from Island Pond and traversing the Eccard fields. Furthermore, there are other brooks, such as the one feeding into Beard Brook, and additional watersheds that contribute to the pond at the corner of the Eccard farm. Having personally explored these areas, I can confidently state that there are no wetland or watershed concerns that I am aware of that would pose an issue to Mr Ordway's operation.

6:45 pm **Rizzi** As we previously mentioned, receiving the letter came as a surprise to us. We were unaware of the absence of a permit, which left us uncertain about the scale of your intentions. Our primary concern was to safeguard our small portion of land, and that was the reason behind our actions.

6:45 pm **Mr Schwartz** That's why we have these hearings, so you can get the information. That's a good thing.

6:45 pm **(Crosstalk)**

6:47 pm **Douglas** I'm going to close the hearing. Thank you very much. We will be discussing everything you said.

6:48 pm **Florence** When will the vote be taken on this, Mr Douglas?

6:48 pm **Douglas** It will be taken this evening, but after the public hearing. Everyone is encourage to stay for the Public Meeting which will follow shortly, and during which the Board will vote on this permit application.

6:48 pm **Ordway** I would like to express my willingness to address any concerns you may have. Please feel free to approach me at any time; my door is always open to you. I am eager to provide any assistance or clarification you might need. It is important to me that we maintain a positive and open relationship, as I value our closeness and do not want any negative feelings to develop between us. Let's ensure that our communication remains clear and that any potential issues are resolved amicably.

6:48 pm **Rizzi** I would come up your driveway, but your dogs are so big.

6:49 pm **Ordway** Their bark is bigger than what their bite.

6:49 pm **(Crosstalk)** *Ms Druid and Ms Rizzi leave the hearing*

Driveway Regulations

6:50 pm **Douglas** The next item on the agenda is Driveway Regulations.

6:50 pm **Ms Schwartz** You don't have to stay, Mr Ordway. I can let you know what we decide.

6:50 pm **(Crosstalk)** *Mr Ordway leaves the hearing*

6:51 pm **Douglas** Mr Florence, can you lead the discussion from here?

6:51 pm **Florence** Certainly. However, before we proceed, it's important that we clarify the purpose of our gathering this evening. Are we convened to provide the public with a detailed account of our actions? I am ready to offer such an explanation if that is the case. Alternatively, are we expected to present just a brief overview of our activities? Or is the primary objective of our meeting to cast a vote on the measures we have already taken, with the intention of advancing our agenda?

6:51 pm **Ms Schwartz** No. We're having a public hearing first.

6:51 pm **Douglas** Please describe are actions regarding the driveway regulations.

6:51 pm **Ms Schwartz** Mr Cashorali, there's copies of all the documents on the bench there if you want to see what we're talking about.

6:52 pm **Florence** The town's decision to implement LUO 307 was driven by concerns regarding the impact of driveway design and construction on the health and safety of our residents. However, we encountered an issue with the ordinance's language, which effectively prevented the town from regulating driveways that connected to state-maintained highwaysâ€”for all practical purposes, those linking residences to Route 31. Addressing this limitation was our initial objective.

Consequently, we undertook a comprehensive revision of LUO 307. During this process, we identified additional problems. For instance, the original LUO was a mere 64 words, while the associated application form spanned 13 pages, filled with complex legal terms and conditions. To rectify this, we extracted the health and safety conditions from the application and incorporated them directly into the ordinance, thus creating LUO 307.2. This new section includes provisions such as limiting driveway grades to 12%, ensuring driveways can accommodate emergency vehicles, and requiring turnouts for driveways exceeding 500 feet in length.

However, our work did not stop there. We also simplified the application form by reducing the number of questions and presenting them more clearly. Despite this, the form still contained numerous conditional clauses, particularly concerning the connection of driveways to town roads. We divided the driveway into two segments for consideration: the section from the property line to the residence and the section where it intersects with the road, also known as the curb cut. The Department of Public Works (DPW) has a vested interest in the latter, for example determining if the curb cut requires a culvert and, if so, what length and diameter.

To address this, we compiled all the conditional clauses into a separate document titled "Driveway Regulations," which complements other planning board documents like subdivision regulations. We leveraged the work done by the town of Goshen, which had recently updated its ordinances in anticipation of an expansion by the Sunapee Ski Area, using their efforts as a model for our driveway regulations.

We now have three key components: a simplified application form, a comprehensive set of driveway regulations, and a draft of LUO 307. The draft of the LUO must be presented to the town for a vote on the same day as the town meeting. The driveway regulations, however, only require approval from the Planning Board.

Tonight, we have two items to consider. First, the approval of the driveway regulations and the application form. Second, we must approve the draft of LUO 307 so it can proceed to the budget hearing in January. If it remains unamended following the budget hearing, it will then be placed on the ballot for a vote in March.

I propose that we conditionally approve the regulations and application form, contingent upon the town's approval of LUO 307.

6:57 pm **Cashorali** Very comprehensive. Thank you.

6:57 pm **Douglas** Any comments from the public?

6:57 pm **Cashorali** I have a query that I'd like to clarify, and I apologize in advance if I'm trying to process this information too quickly. From what I understand, the town is expected to cast their votes on a minor legislative matter, which, in effect, will grant approval for a substantial documentâ€”a

"large book," so to speak—that they will not have the opportunity to review beforehand. Is it then correct to assume that the decision regarding the contents of this extensive document will be made by you?

- 6:58 pm **Douglas** Correct.
- 6:58 pm **Florence** Once again, I would like to emphasize that the booklet essentially serves as a paraphrased version of the application form. Its content is primarily concerned with the specifics of driveway culverts, including their length and diameter. Additionally, it provides guidelines on the proper disposal of rubble and the procedures to follow when dismantling stone walls, among other related topics.
- 6:58 pm **Douglas** The application form is now only 4 very simple pages long.
- 6:58 pm **Florence** As opposed to the old form, which is 13 densely packed pages.
- 6:59 pm **Douglas** The Driveway Regulations document is just 10 pages. To recap, did we remove all the discussion of regulating curb cuts to private roads, as in LAE for example?
- 6:59 pm **Florence** We previously addressed the issue in an earlier draft, where we expressed concerns regarding the connection of a driveway to a private road on the property. Initially, we believed this to be a significant point of consideration. However, upon further deliberation, we concluded that it was not an aspect over which we had jurisdiction.
- 6:59 pm **Cashorali** Do we know if this is going to make it more expensive to put in a driveway, or is it just a rewording?
- 6:59 pm **Florence** It's rewording. That's all it is.
- 6:59 pm **Douglas** Agreed.
- 6:59 pm **Florence** To be candid, the task at hand extends beyond mere rephrasing. The application form in question lacks any real power or authority; it is merely a procedural document. In contrast, the regulations carry weight and are enforceable because they are established rules that have been formally implemented. The Driveway Regulations are a peer of other Planning Board documents, such as Subdivision Regulations.
- 7:00 pm **Cashorali** Did we address any of the concerns that our Department of Transportation had, I think a couple of meetings ago?
- 7:00 pm **Ms Schwartz** Yes. The Director of Public Works had some suggestions and we incorporated all of them.
- 7:00 pm **Cashorali** I believe that the current change essentially eliminates a loophole that individuals previously utilized to achieve their desired outcomes. As a result, they are now subject to regulations that we previously assumed applied only to us. Although I typically prefer more flexibility and am not fond of strict adherence to rules, I have confidence in your judgment and trust that you understand the situation better than I do.
- 7:01 pm **Ms Schwartz** Our primary focus is on ensuring safety. While traveling along Route 31, one can observe several driveways that are particularly steep. Such inclines pose a significant challenge for the maneuverability of fire trucks, which is a concern for emergency access. Unfortunately, we do not have jurisdiction over these driveways as they are situated off state-maintained roads. However, our goal is to proactively address this issue to prevent similar situations from arising elsewhere within the town. We are committed to implementing measures that will ensure all driveways within our local domain are accessible for emergency vehicles, thereby enhancing the safety of our community.
- 7:01 pm **Douglas** Ms Kluk, are you all set with what Mr Florence has said?

7:02 pm **Kluk** Yes, it was an excellent summary. Thank you, Mr Florence.

7:02 pm **Douglas** Mr Martin, do you have any questions?

7:02 pm **Martin** Yes, I do. Please refer to section 6-D, Logging Operations. The first sentence says, a permanent bond may be required. The second sentence talks about permitting and bonding requirements, that you can have an exception to the requirements. Seems like they talk around the same thing, but they kind of contradict each other. Maybe it's just the way I'm reading them.

7:02 pm **Ms Schwartz** Okay, I think it's the way you're reading it because I think a permit and bond may be required for a logging operation going in on a new temporary driveway for logging, and they're saying that's an exception.

7:03 pm **Martin** That's the way I'm reading them. I'm satisfied now.

7:03 pm **Martin** Now refer to section 6-E, Utility Maintenance. What is the purpose of that paragraph?

7:03 pm **Ms Schwartz** Utility maintenance meaning power poles and so on, is that correct?

7:03 pm **Martin** It reads: "may be conducted within the right of way without a permit or any bonding requirements." But it doesn't talk about driveways. It talks about the right of way. Therefore, it would seem to me that it's outside of the scope of the Driveway Regulations.

7:03 pm **Florence** Well, this whole document relates to the curb cut, not the driveway *per se* meaning from the property line to the residence.

7:03 pm **Martin** Certainly, the section above indicates that key utility maintenance is permissible within the designated right of way. I had presumed as much; however, I'm curious about the purpose of this particular paragraph. Could you clarify its significance?

7:04 pm **Ms Schwartz** Should we I think it's just stating the fact that it can be done without needing a driveway permit?

7:04 pm **Florence** Everything in this document concerns the right of way, the curb cut.

7:04 pm **Martin** Well, if we didn't have this document, did that mean that the utility companies can't work in the right of way? Of course they can. So what is the purpose of having this paragraph in here?

7:04 pm **Florence** We have often relied on Goshen's precedent for such matters, and although it may seem redundant, we decided to follow their advice.

7:05 pm **Douglas** Mr. Martin, if you hit a pole while installing a driveway, you can move the pole without needing a permit.

7:05 pm **Martin** You think that's what this is intended?

7:05 pm **Ms Schwartz** This whole section is about temporary driveways and whether you need a permit or you don't need a permit. And I think that's a case where a permit is not needed, even if they have to make a little driveway to go fix the pole.

7:05 pm **Martin** Are we saying that the person that's putting the driveway in doesn't need a permit or the utility company doesn't.

7:05 pm **Ms Schwartz** The utility company because they're the ones that do the utility maintenance.

7:05 pm **Martin** Next, please refer to section 10-A . On the third line down, it reads: "the driveway entrance *may* be flared." However, the application form reads: "the driveway *must* be flared." It seems to me they're contradictory. The application form is trying to be more restrictive than the regulation. And I didn't think that was our intent at all. I thought our intent was to get all

the regulatory things out of the application and put them into the regulations. Is that not true, Mr Florence? Do we want to require that they be flared or allow them to be flared?

- 7:06 pm **Douglas** I think we should change it from "may" to "must."
- 7:07 pm **Florence** Sure, if that's what the board votes to do. I'm just saying we've been over it three times.
- 7:07 pm **Martin** Well, in my line of work, we find that when you review documents, it's like peeling the layers of an onion.
- 7:07 pm **Florence** But I think if we change "may" to "must", then we need to get the Director of Public Works to review it again.
- 7:08 pm **Crandall** I understand the difference. They ought to be the same.
- 7:08 pm **Florence** Do we need to get the Director of Public Works to look at that again?
- 7:08 pm **Kluk** I was going to say he missed that inconsistency. So I would venture to say that he is totally fine with using the terminology must since he approved the application, which very clearly says "must".
- 7:09 pm **Douglas** I agree.
- 7:09 pm **Martin** Thank you. Please refer now to section 10-A. The last sentence reads: "however, in all cases, the driveway should be wide enough to accommodate emergency vehicles." Now, I know we went through a lot of hassle to get a new firehouse that had wider doors. How wide is our equipment now? Does anybody know?
- 7:09 pm **Mr Schwartz** I believe they're 14 foot doors.
- 7:10 pm **Martin** What we say is that they may be less than 10ft, but at least 8ft wide. However, they must be wide enough to accommodate emergency vehicles. And I think we should assure that the width of our town emergency vehicles is such that it'll go in an eight foot driveway. Otherwise, we kind of defeated our purpose. I left the Fire Chief a voicemail, but I haven't heard back. So I think we should resolve that because if we find out that they're all 8.5ft wide to say they must be at least 8ft but accommodate emergency vehicle seems to mean we should be changing the 8ft to 8.5ft or whatever.
- 7:11 pm **Ms Schwartz** I've been reflecting on the application process and I wanted to share an idea for consideration. Currently, the Department of Public Works (DPW) approves Part One, while the Select Board is responsible for signing off on Part Two. However, I propose that we add an additional measure of safety and oversight by also requiring the Fire Chief's signature on Part Two. This would provide an extra layer of assurance that the layout meets specific safety criteria, such as being sufficiently wide and not excessively steep. This step could help ensure that our standards for safety and accessibility are thoroughly addressed.
- 7:12 pm **Martin** And the emergency services person, the ambulance person, is he subservient to the fire chief?
- 7:12 pm **Ms Schwartz** No. They're one department network.
- 7:12 pm **Kluk** Incorporating this element into the application necessitates that we find corresponding support within the regulations. Therefore, I infer that our current discussion about the width pertains to item 10-A, correct? Consequently, when the fire department provides their signature on the application, they would be specifically endorsing item 10-A, is that the case?
- 7:12 pm **Ms Schwartz** I'll check that with the Fire Chief and see if the 8ft needs to be changed. Maybe it needs to be wider.

7:13 pm **Martin** Okay. Thank you.

7:13 pm **Crandall** I hate to ask a question, but I thought all driveways had to be 10ft wide.

7:13 pm **Martin** Well, we make an exception in 10-A that says the Director of Public Works may approve a driveway of narrower width. I mean, maybe there's two boulders there or something they can't get through. I don't know. Provided it's at least 8ft wide.

7:13 pm **Douglas** What else do you have, Mr Martin?

7:13 pm **Martin** Please refer to section 11-E, the last words: "or, as amended". It looks like this used to say something else.

7:14 pm **Ms Schwartz** It simply means, in conformance with the NHDOT specifications as they exist now, or as they may be amended in the future.

7:14 pm **Martin** I think I have one more.

7:14 pm **Douglas** I have one thing on that page that I'm sorry I didn't see sooner. In section 11-C, the word "insure" is used, I believe incorrectly. It should read "assure" or "ensure."

7:15 pm **Florence** Yes, that is a typo. It should read "ensure."

7:15 pm **Martin** Finally, please refer to section 16. The second line reads: "may be required by the town", but there's no criteria that I can see in here that determines when.

7:16 pm **Douglas** Isn't that up to the DPW?

7:16 pm **Ms Schwartz** It's not required as routine, but it may be at their discretion.

7:16 pm **Martin** So at their discretion, not whether the applicant is woke or conservative or Black or Brown or White.

7:16 pm **Ms Schwartz** No, the conditions on the ground.

7:16 pm **Martin** That's all I have. I'm sorry I didn't catch them earlier.

7:16 pm **Florence** So to summarize, I can change "may" to "must" and "insure" to "ensure" and redistribute the drafts one more time. Also the driveway width, but I'm going to need some input on that.

7:17 pm **Ms Schwartz** I'll get input from the Fire Chief.

7:17 pm **Florence** I would like to address the modification to the application form which now necessitates the fire chief's signature. I anticipate that this alteration will have a consequential impact beyond the initial change. Upon reviewing the upcoming regulations, I have noticed that there is language pertaining to the signatures required from the select board. Consequently, this language will need to be updated to include not only the select board but also the official title of the fire chief.

Given the potential complexity of these changes, I believe it would be imprudent to make hasty decisions regarding the necessary amendments at this moment. Should we decide to proceed with incorporating the fire chief's signature into the process, it will be imperative to meticulously examine all three documents associated with the application to ensure consistency and accuracy in our requirements.

7:18 pm **Kluk** I totally agree that we have to have something that backs up that requirement.

7:18 pm **Florence** Personally speaking, I would be very upset if revisiting all three documents caused us to miss the deadline for them to approved. Just like we missed the deadline last year.

7:18 pm **Ms Schwartz** We'll have another hearing in January.

7:18 pm **Florence** I won't be here then. I think we can treat three of the changes as routine edits: the width of the driveway, "may" to "must" and "insure" to "ensure". But requiring the signature of the Fire Chief is a big deal.

7:19 pm **Ms Schwartz** Okay, but that's only on the Driveway Permit Application.

7:19 pm **Florence** Well, no, it's not, because it has to be reflected in the regulations and it has to be reflected, I think, in LUO 307.

7:19 pm **Martin** I don't see anything in LUO 307 that would require that.

7:20 pm **Kluk** Yes, it does. The very last sentence of LUO 307.2 reads: "must be approved by the Select Board." We would have to add "and the Fire Chief."

7:20 pm **Martin** I would submit that that's not required to be put in there because, for example, when the DPW signs off, we don't put him in. You mentioned him in here.

7:20 pm **Florence** Because that's in 307.1.

7:20 pm **Ms Schwartz** Okay, so we'll need a second hearing. We can do it in January.

7:21 pm **Florence** For for the record, I will not be here in January. So the best I can do before January is to redraft the documents in the way that we decided. I'll hand them over to you to deal with as you see fit.

7:21 pm **Kluk** Mr Florence, are you willing to also type up the summary that you gave earlier tonight *verbatim*, so that it can be read at the next public hearing while you're not there?

7:21 pm **Florence** I certainly will.

7:21 pm **Douglas** As there is nothing left to discuss, I now close this Public Hearing.