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Washington NH - Planning Board

Public Meeting Transcript

November 7, 2023

Members Present

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

Members Absent

Peter Martin (temporarily)

Visitors

Nick Cashorali



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Summary

1.0 Minutes: October 3 meeting/hearing

Jim Crandall, the Chair, opened the meeting by addressing the minutes from the October meeting, confirming that everyone had received and reviewed them, and inquiring about any necessary corrections or changes. Fred Douglas, a board member, acknowledged that his previous feedback had been addressed by Ms. Schwartz and noted that additional comments, possibly from Mr. Martin or another party, had also been incorporated.

Subsequently, Jim Crandall asked if any changes had been suggested and whether there was a motion to accept the minutes as presented. Fred Douglas moved to accept the minutes, and Jim Crandall seconded the motion.

The motion to accept the minutes was then put to a vote, and all members present unanimously agreed by responding with "Aye," indicating their approval of the minutes without further amendment.

3.1 Zach Ordway - business permit, set hearing date

During a recent meeting, Jim Crandall, the Chair, initiated a discussion regarding the new business item, the Ordway business permit, by inquiring if all the necessary documentation was available. Nan Schwartz, the Secretary, confirmed that all required documents, including the original permit application and the application for site plan review for home businesses, had been obtained.

Crandall questioned the need for a site visit, to which Schwartz responded affirmatively. She described the business at Lot 9-59 on 2700 East Washington Road, noting that it offers small-scale butchery services without selling meat and operates a farm stand selling fresh eggs, baked goods, and seasonal flowers. Crandall announced that a public hearing would be scheduled for 6:30 during the next meeting.

Fred Douglas, a Board Member, inquired about the timing of the site visit. Crandall suggested the possibility of delegating the site visit due to the inconvenience of a next-morning event and expressed his intent to consult with other members. Schwartz agreed to confirm with the business owners to ensure their presence during the visit, as their input would be essential for addressing questions. Crandall concurred on the importance of the owners being present.

3.2 Driveway Regulations discussion, set hearing date

Jim Crandall, the Chair, initiated the discussion on driveway regulations and handed over to Mark Florence, who had updated the draft regulations after being briefed on the previous meeting's deliberations. He indicated the changes with yellow highlights and strikeouts and expressed readiness to finalize the document, pending the removal of these marks. Fred Douglas confirmed that Florence had incorporated all the discussed changes, and Florence sought consensus on the document. However, he raised Mr. Thayer's objections to section 307.2, paragraph C, prompting Jean Kluk to suggest a revision that would focus the guideline on the construction of driveways rather than their maintenance, thus addressing concerns about seasonal residents and other maintenance issues.

The board members, including Nan Schwartz, praised Kluk's suggestion as brilliant, and Chair Crandall moved to adopt the change. Before voting, Florence announced his intention to resign as alternate but then seconded the motion to make the suggested amendment. The motion passed unanimously. Florence agreed to update the documents and distribute the final version. The Chair then raised the question of setting a date for a hearing.

Mark Florence shared a concept from software design about the importance of simplicity in application forms, which he found relevant to their work. He reflected on the previous application form's complexity and suggested a more streamlined approach for the future. The Chair inquired about the nature of this concept, and Florence clarified it was just for interest. Jean Kluk humorously remarked that it might resonate more with those familiar with IT.

3.3 CIP

Jean Kluk inquired whether the CIP documents had been distributed via email. Nan Schwartz responded that she had not sent the documents because she was awaiting additional figures from Ms. DeFosse. She indicated that once she received the necessary numbers, she would integrate them into the documents and proceed to disseminate them to all relevant parties.

3.4 Cashorali list - discussion

During a recent meeting, the board revisited Mr. Cashorali's proposals, with Peter Martin highlighting unclear phrases in the minutes regarding PERC tests and the Department of Environmental Services' requirements. Nan Schwartz clarified the board's agreement on the Select Board not needing to witness PERC tests. Mark Florence expressed a desire for further discussion due to his and Ms. Kluk's absence during the initial conversation and raised questions about the need for impact studies for new ordinances, particularly the implications of a proposed change that could allow pig pens on properties.

Nick Cashorali defended his position, suggesting that the board was holding him to a standard that had not been historically applied to others. He argued for a discussion on the cultural implications of the actions and legislation over the past decades. Mark Florence insisted on the necessity of a written impact study for each proposal, while Cashorali pointed out the unfairness of being asked to provide something just for a proposal. Cashorali also shared his concerns about regulations that, while intended to protect the character of Washington, may not align with the desires of new professionals moving to the area, and the need for regulations that protect the community without being overly restrictive.

The conversation then shifted to the legality of the proposals, with Mark Florence questioning whether the town had the authority to enforce certain proposed changes, such as automatic disqualification from boards for non-attendance. Cashorali stated he had consulted attorneys who deemed the proposals constitutional. Don Revane highlighted the existing flexibility in the zoning regulations and the process for amending them based on the frequency of variances granted by the Zoning Board of Adjustment. Cashorali argued for simplicity in regulations and pointed out that many residents may not have the time or understanding to engage with complex governmental processes. The discussion concluded with an agreement that further conversations outside the meeting could be beneficial, and Cashorali acknowledged the missed deadline for submitting proposal number one, while noting that not all items required a public hearing before being added to the warrant.

3.5 Town Center Vision project, parking and access for town buildings, planning for Library adjacent property

Jim Crandall, the Chair, provided an update on the project, noting that the Select Board had been briefed on all relevant aspects, including potential costs. The Board was tasked with reviewing this information and deciding on which items to proceed with, as well as determining or obtaining further cost estimates. One significant change to the project was the removal of the planned stairway, which would only be addressed if there was a clear future demand. Jean Kluk, an Alternate, brought up a community-supported proposal to remove the driveway in front of the Town Hall, initially suggested by Crandall as a compromise. Kluk advocated for a revised plan that would make the street one-way, single-lane, and enforce a no-parking policy to streamline traffic and comply with RSA parking regulations.

The discussion continued with various members contributing ideas for the one-way street plan, including traffic flow options and parking arrangements. Don Revane, Ex-officio, mentioned the possibility of incorporating a handicap spot, while Fred Douglas, a Board Member, noted the visibility of cones placed to direct traffic. Crandall explained that parking spots by the church would be relocated to a side closer to the police station. He humorously compared people's preference for convenient parking to gym-goers choosing the closest spot to the entrance. Revane also discussed the potential relocation of the public garden to a town-owned property near the library, aiming to enhance the space with features for adults and proposing that the property come under the jurisdiction of the parks and recreation department.

The conversation concluded with a consensus among town residents on the vision for the property's use and the need for clear oversight and management. Crandall agreed on the importance of an attractive entrance on the north side of Washington, while Revane elaborated on additional ideas to integrate the property with educational activities and community engagement. The synergy between outdoor activities and the library was emphasized as a goal. Lastly, Kluk mentioned that a pickleball court would likely receive much support, though Revane noted the potential noise issue for neighbors.

3.6 Camp Morgan Protection Committee

Jim Crandall, the Chair, reported that the Camp Morgan Protection Committee had published its mission statement and procedures online and aimed to prepare a report for the town meeting. He emphasized the importance of public involvement in proposed land use changes, detailing a multi-step approval process requiring three-quarters of eligible voters' consent. Nan Schwartz, the Secretary, clarified that the approval required attendance and voting at the meeting. Peter Martin, an Alternate, questioned the Chair's stance, noting a previous failed attempt to protect the land. Crandall acknowledged his consistent, albeit reserved, support for approved measures and expressed concern over instances where the town's control over property decisions seemed too stringent.

Don Revane, Ex-officio, mentioned plans to include the committee's discussions in the Select Board's minutes, emphasizing the importance of public access to the information. He outlined the documented procedure agreed upon during the town meeting, which involved various town boards and required checks and balances before reaching a town vote. Crandall and Revane discussed the long-term view of property development and the potential for new technology integration, like a Cold Fusion reactor, which Revane supported.

Mark Florence, a Board Member, reflected on the strong support for passing checks and balances during a town meeting and reiterated concerns raised by Mr. Cashorali about the introduction of obstacles to changes at Camp Morgan. Florence stressed the significance of acknowledging the community's resistance to altering the property.

3.7 Master Plan

Fred Douglas, a board member, recounted his recent interaction with a representative from the Upper Valley Lake Sunapee Regional Planning Agency. He shared that they had called him the day before to offer a document that would assist in updating the organization's master plan. During the conversation, Douglas praised the quality of the previous work and thanked Ms. Kluk for her contributions.

Nan Schwartz, the secretary, chimed in with the belief that the agency already possessed a copy of their prior Master Plan, to which Douglas affirmed his agreement. Jim Crandall, the chair, inquired about the due date for the update, confirming that it was set for 2025.

Schwartz then addressed Mr. Cashorali, suggesting his involvement in the Master Plan committee as they were looking to update the master plan in the year 2025. This involvement would be pertinent given the upcoming project and the need for committee engagement.

3.8 ZBA Report

Mark Florence, a board member, initiated a discussion by highlighting two key issues. Firstly, he informed the board of an upcoming hearing with the Housing Appeals Board scheduled for December 21st at 10:00 a.m., advising interested parties to check the Housing Appeals Board's website for details and mentioning the possibility of attending via Zoom. Secondly, he discussed a recent zoning case involving a property with construction planned too close to wetlands and a septic system near sensitive areas, referencing specific provisions in the land use ordinance (LUO) about setback requirements for structures and septic systems from wetlands and surface water.

During the conversation, Nan Schwartz, the secretary, pointed out that wetlands do not always contain standing water, and Don Revane, an ex-officio member, clarified that the setback for land use should start at the wetlands, considering different soil drainage conditions. Mark Florence reiterated the importance of the LUO's definition of wetlands in their decision-making process, despite the lack of a definition for "poorly drained soil" in the LUO. Fred Douglas, another board member, questioned the involvement of a soil scientist, to which Florence responded that the LUO does not require one to delineate wetlands.

The discussion further delved into the responsibilities and jurisdictions regarding the issuance of permits and granting of variances. It was clarified that the state, not the board, issues permits for wells, and that the homeowner assumes the risk of pollution from road salt when a well is placed closer to the road. Mark Florence also emphasized that the LUO's definition of wetlands is based on vegetation and periodic inundation by surface water, rather than the assessments of state hydrologists or soil scientists. In response to a hypothetical scenario posed by Peter Martin, an alternate board member, about changes in land conditions due to a neighbor's actions, Florence maintained that the definition of a wetland encompasses more than just the presence of standing water and is also defined by vegetation and the duration of water coverage.

4.1 Phil Byers - business Permit, letter sent with exemption application

Peter Martin inquired about the nature of a certain individual's business. Nan Schwartz, who holds the position of Secretary, responded by providing details about the business in question. She explained that the business is involved in landscaping and construction services.

Additionally, Nan Schwartz mentioned that the business owners also engage in breeding a dog. They raise the puppies and subsequently sell them as part of their business activities.

8.1 Communications

Don Revane addressed an issue related to communications concerning an active case, where the legitimacy of transient individuals staying in non-traditional dwellings was in question. The discussion centered on whether such stays were permissible and how to define a non-dwelling structure in these contexts. He mentioned a specific case of a space above a garage, intended to be used as a bunkhouse during summer weekends, which was not traditionally furnished with permanent beds but rather with an air mattress and fold-out couches.

The board members debated whether the structure qualified as a guest cottage and if it met the necessary criteria. The situation was not in compliance with the original permissions granted for the structure, and it was currently contested in court. It was suggested that if the space was designed or modified for a specific purpose and met the required criteria, it could be allowed with a permit. The conversation highlighted the need for a building inspector to handle such complex issues efficiently.

Further discussion by the board members clarified that a transient stay was allowable under certain conditions, and the structure would need to have facilities that exist in a dwelling, as defined by the local ordinances. It was noted that the space could not exceed 30% of the living area of the permanent dwelling and could not be turned into a full-time dwelling due to restrictions on having two dwellings on one lot, unless it was an accessory dwelling unit (ADU). Revane revealed that the structure in question had undergone numerous variations from its original design and was still not in compliance with regulations, despite the owner's ongoing plans and the financial costs incurred over two years of working with the owner.

Transcript

1.0 Minutes: October 3 meeting/hearing

- 6:30 pm **Crandall** The first item on our agenda is the minutes from the October meeting, which we have all received. I would like to ask if everyone has had an opportunity to review them. Are there any corrections or changes that need to be made?
- 6:30 pm **Douglas** I recall providing some feedback previously, and it appears to me that you have addressed all those points, Ms. Schwartz. Moreover, it seems that you have also taken into consideration additional comments, which I believe may have been provided by Mr. Martin or someone else.
- 6:31 pm **Crandall** Have any changes been suggested? If so, I would like to know if there is a motion on the floor to accept them as they have been presented.
- 6:31 pm **Douglas** So moved.
- 6:31 pm **Crandall** Okay, second. I'll second it. All in favor?
- 6:31 pm **All** Aye.

3.1 Zach Ordway - business permit, set hearing date

- 6:31 pm **Crandall** So now we can go to new business, the Ordway business permit. Do we have all the required documentation?
- 6:31 pm **Schwartz** We do. We have everything.
- 6:31 pm **Crandall** Could you review it for us?
- 6:32 pm **Schwartz** I have obtained their original permit application. Additionally, they completed the application for site plan review for home businesses.

6:32 pm **Crandall** Does this require a site visit?

6:32 pm **Schwartz** I guess.

6:32 pm **(Crosstalk)** We can schedule one ... Is the application complete? ... What is the category of the business? ... A farm stand ... Also does butchering ... Where is it located?

6:34 pm **Schwartz** Lot 9-59 on 2700 East Washington Road offers small-scale butchery services, including private livestock and deer processing. However, they do not sell meat. There's a farm stand at the same location that sells fresh eggs, baked goods, and seasonal flowers.

6:34 pm **Crandall** We will have a public hearing at 6:30 during our next meeting.

6:34 pm **Douglas** When are you doing the site visit?

6:34 pm **Crandall** I'm suggesting that if the event is tomorrow morning, it might be inconvenient, so we might delegate it. However, I'll ask around to see what others prefer.

6:35 pm **Schwartz** I'll have to check in with the owners to make sure they're okay, because they should be there to answer questions.

6:35 pm **Crandall** They should be. I agree.

3.2 Driveway Regulations discussion, set hearing date

6:35 pm **Crandall** Regarding the driveway regulations, I'll turn the discussion over to Mr. Florence.

6:36 pm **Florence** I didn't attend the last meeting, but I've updated the draft regulations after Ms. Schwartz briefed me on the changes discussed there.

6:36 pm **(Crosstalk)** Does everyone have a copy? ... It is watermarked the "Thayer" Draft ... Also dated 9/5/2023.

6:36 pm **Florence** I've marked changes in yellow and used strikeouts, but to finalize the document, I just need to remove these marks.

6:37 pm **Douglas** You did everything we discussed.

6:37 pm **Florence** I agree and am willing to consider it final if everyone else is. We also need to address Mr. Thayer's objections to section 307.2, paragraph C. Ms. Kluk, please share your idea on this matter.

6:37 pm **(Crosstalk)** A brilliant idea ... keep it simple

6:37 pm **Kluk** The document in question, identified by the section number 307.2, is specifically titled "Driveway Design and Construction." It does not address the topic of maintenance; its focus is solely on the design and construction aspects of driveways. Regarding the implementation of a new driveway, it appears that a straightforward solution would be to revise the existing language by removing the words "and maintained."

Consequently, the revised guideline would state, "Driveways shall be constructed in a suitable condition for emergency vehicles." Additionally, it would require that driveways exceeding 500 feet in length must include a turnout, enabling two emergency vehicles to pass each other safely. By eliminating the term "maintain" from the text, we avoid the complexities associated with seasonal residents who may not regularly plow their driveways, among other maintenance issues.

6:38 pm **Schwartz** I think that's a brilliant.

6:38 pm **Florence** I think that's an excellent change. It made a lot of sense to me.

6:38 pm **Schwartz** Okay, so everybody agrees to that?

6:38 pm **Crandall** I move that we make that change.

6:38 pm **Florence** Before we vote Mr. Chair? I should resign my position as alternate.

6:38 pm **(Crosstalk)** No, you get to stay in ... Mr. Martin is now the alternate

6:39 pm **Florence** Then I'll second that motion.

6:39 pm **Crandall** All those in favor say aye.

6:39 pm **All** Aye

6:39 pm **Florence** I will update the documents and distribute them in their final form.

6:39 pm **Crandall** Do we then have to consider a date for a hearing?

6:39 pm **(Crosstalk)** Let's set it at for our next scheduled meeting on December 5th.

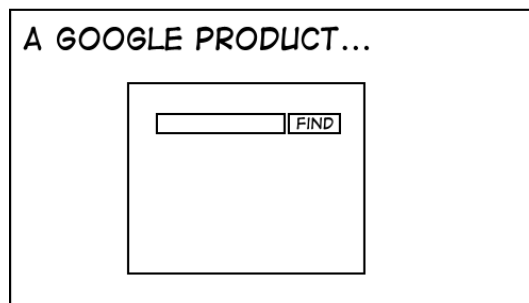
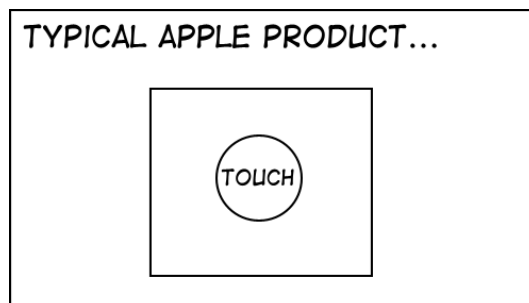
6:39 pm **Florence** As a point of interest, I wanted to share something with you all. During our extensive exploration and iteration of the application form, I came across an intriguing concept that I thought would be worth distributing for your casual perusal. There's no need for an in-depth discussion on it; I merely thought you might find it both amusing and insightful.

This concept is one that frequently arises in the realm of software design, emphasizing the importance of maintaining simplicity in application forms. It serves as a cautionary tale, reminding us of the virtues of simplicity. The principle, which is commonly applied in software engineering to ensure user interfaces remain uncluttered and user-friendly, is equally relevant to our situation concerning application forms.

In our previous version of the application form, we may have become a bit overzealous, incorporating an array of questions and requirements that, in retrospect, could be seen as excessive. This principle reminds us to avoid such complexity and to strive for a more streamlined approach.

In essence, the takeaway here is a simple reminder: keep your application forms straightforward and avoid over-complication. This is a notion that can easily resonate with us as we reflect on our past experiences and aim to improve our processes moving forward.

6:39 pm

A complex form titled "YOUR COMPANY'S APP...". It contains numerous input fields for personal and company information, including first/last name, SSN, ID, phone numbers, address, and account numbers. There are also checkboxes for "FT/PT" and "TOP STAT", and a "VER" field. A vertical list on the right shows a selection of codes like "4-K", "AA2-", "DK9B", "KKA?", "CN3", and "AA-9". At the bottom, there are buttons for "OKAY", "APPLY", "SAVE", "UNDO", "HELP", "DELETE", "EDIT", "SELECT", "BROWSE", and "ERRORS".

STUFFTHATHAPPENS.COM BY ERIC BURKE

6:40 pm **Crandall**

So what is this?

6:41 pm **Florence**

It's for interest only. Interest only, that's all.

6:41 pm **Kluk**

I think you have to be truly an IT person to get it.

3.3 CIP

6:41 pm **Kluk**

Did you email out the CIP documents?

6:41 pm **Schwartz**

I didn't, because I didn't get numbers back. I was still waiting on some numbers from Ms. DeFosse. When I get those numbers, I'll plug them in and I will send them out to everybody.

3.4 Cashorali list - discussion

6:41 pm **Crandall**

Next on the agenda is to follow up on Mr. Cashorali's proposals.

6:42 pm **Martin**

I apologize for my tardiness and for missing the opportunity to review the minutes with everyone. Upon reading the minutes, I noticed there were certain phrases related to Mr. Cashorali's comments that were unclear to me due to the way they were articulated. Specifically, Mr. Cashorali mentioned the last agenda item, which pertained to the observation of PERC tests. Although we reached a consensus on this matter, recognizing that the Department of Environmental Services (DES) has altered the requirements for subsurface systems, the minutes do not clearly articulate the specifics of what we agreed upon.

6:42 pm **Schwartz**

We agreed with his idea that the Select Board should no longer be required to witness PERC tests.

6:43 pm **Crandall**

Why are we revisiting last month's discussion?

6:43 pm **Florence** I recently inquired whether we might have the opportunity to discuss the matter a bit further. My request stems from the fact that I was not present during the initial conversation, and neither was Ms. Kluk. Consequently, we might have some questions that we would like to address.

I assure you, my intention is not to belabor the point unnecessarily. However, I do have two rather broad questions that I would like to pose, if I may. Specifically, I have one question that I would like to direct to Mr. Cashorali, with your permission.

6:43 pm **Douglas** Come on down so we can hear you, please, sir.

6:43 pm **Florence** The question I had for you was in reference to your section number eight. That is, all new ordinances will need to be accompanied by an impact study.

6:43 pm **(All refer to...)**

8. All new ordinances will need to be accompanied by an impact study (paid for by the drafter) that outlines economic, political, population, cultural, and all other appropriate externalities expected as a result of the proposed ordinance.

6:43 pm **Florence** Will you be submitting an impact study for the remaining twelve items on the list?

6:44 pm **Cashorali** I would suggest moving that to the bottom if needed, and that's what I'd discuss if the topic comes up.

6:44 pm **Florence** If I were in a position to cast a vote on these matters, it would be important for me to review an impact study beforehand. I believe it's essential for those proposing the changes to adhere to their own established principles and not to make exceptions for themselves. Take, for example, the proposed ordinance change, which is listed as number one. If this ordinance were to be enacted exactly as it is currently written, I could legally fill my property with pig pens up to 200 square feet in size. Such an action, while compliant with the letter of the law, could have significant environmental, cultural, and economic repercussions.

6:44 pm **(All refer to...)**

1. One story accessory structures used in the practice of agriculture or recreation, such as coops, enclosures, and playhouses or similar uses, provided the floor area is not greater than 200 square feet, shall be exempt from permits and setbacks as referenced in the town of Washington Land Use Ordinance.

6:44 pm **Florence** I am concerned about the potential impacts that could arise if the ordinance is followed to the letter. Therefore, I would like to see an impact statement for each and every proposal under consideration. It seems unjust, as was previously mentioned, to defer voting on any item, especially if it serves as the basis for the justification of the others.

When the time comes for a public hearing or if I am present as an alternate appointee or simply as a member of the public during the March vote, my preference would be to prioritize the discussion of item number eight. It is my firm belief that the rules set forth should be honored and applied consistently.

6:45 pm **Cashorali** You are expecting me to adhere to a standard that has not been applied to you throughout history. It seems that what is now required of me is something you have never been obliged to meet. This discrepancy suggests an imbalance in expectations based on historical precedents.

6:45 pm **Florence** You are setting forth a new standard, which requires everyone to present an impact statement. However, it appears there is a discrepancy in your approach. If I were to reverse the perspective, it could be suggested that you are expecting others to comply with this standard while you, yourself, are not ready to adhere to it. In my opinion, it is essential that you be willing to lead by example and fulfill the same requirements you are asking of others.

6:46 pm **Cashorali** Mr. Florence, I am fully prepared to engage in an extensive discussion about the necessity of various actions and the implications they have on Washington's culture. There is much to be said about the activities that transpire behind the scenes, as well as the legislation that has been enacted over the past two decades. These factors are critical to the stakes at hand, and I could easily speak on this topic for hours, elaborating on the reasons behind their importance.

I would be more than willing to delve into this matter; however, I must pose a question regarding the ethical considerations of your request. Is it truly appropriate for you to ask me to undertake such a discourse?

6:46 pm **Florence** I think it is. Like I said, it should be written, it should be at your expense, and it should cover the political, population, cultural, economic impacts of all of these things that you want to change.

6:46 pm **Cashorali** Is that how legislation is usually done?

6:46 pm **Florence** The way you want it to happen?

6:46 pm **Cashorali** I'm just asking the question. Are people usually required to do the things they're asking for prior to? So if you're asking for funding, are you asked to put up the money prior to or do you wait until it's passed and then the money is allocated? It's a similar argument.

6:47 pm **Florence** I'm saying that it is you who wants to establish the new standard. It's your new standard. You should live by it. That's my opinion.

6:47 pm **Cashorali** I'm arguing that by standing up at the meeting I would be living by it. I'm happy to back up any of it.

6:47 pm **Florence** I think it should be written down.

6:47 pm **Cashorali** I think you're exemplifying exactly my problem by asking that question, which is when I come in as the public and try to do something here, you want to squash it.

6:47 pm **Florence** I don't want to squash it. I just want to see what the impact is.

6:47 pm **Cashorali** Again, like I said, I'm happy to sit and talk about all of this stuff. I think it's a little unfair to ask me to do something that is just a proposal.

6:47 pm **Florence** If the impact statement was so onerous that it would squash your proposals, then the proposals aren't worth standing up for. The impact study, in your mind, should be very simple to prepare.

6:48 pm **Cashorali** Certainly. The proposal under consideration could significantly reduce the number of internal regulations we currently impose. To illustrate, over the past ten to twenty years, numerous regulations have been introduced and marketed to the public as measures to safeguard and maintain the character of Washington. Upon my arrival, I was initially impressed by these efforts, as they appeared to align with our collective desire to protect our way of life, which is undeniably important.

However, my perspective began to shift as I delved deeper into the specifics, such as the master plan. I discovered a discrepancy between the intentions of the plan's authors and the reality of what Washington truly is, as well as what many residents desire. For instance, the new wave of professionals moving to our area, particularly those working remotely in IT sectors or running small home-based businesses, may find the current regulations restrictive. These include, among others, the ten-acre minimum for subdivisions, which, while conceived with good intentions to preserve a certain vision of Washington outlined in the master plan, may not align with the expectations of those drawn to our community for its low population density, personal freedoms, and strong sense of neighborliness.

Consequently, I believe we need to reassess our regulatory approach. We should establish rules that protect our community from external pressures, such as the encroachment of large corporations or other harmful influences. Yet, we must be

cautious not to impose excessive restrictions that could undermine the very qualities that make our community special. In essence, our regulations should serve to shield our way of life without stifling the freedoms and traditions that our residents hold dear.

- 6:49 pm **Douglas** You can't say we don't want large corporations coming in here. What if they do?
- 6:49 pm **Cashorali** Well, a lot of these regulations.
- 6:49 pm **Douglas** What if Coca Cola wants to build a 125,000 square foot distribution plant?
- 6:49 pm **Kluk** I mean, the economics would be phenomenal.
- 6:49 pm **Cashorali** That's what I'm saying.
- 6:49 pm **Douglas** But you said we don't want that.
- 6:50 pm **Cashorali** I believe that when some individuals consider the concept of increased property values, they often view it positively. They see it as an opportunity for a substantial return on investment. Higher property values can lead to additional funding for local schools and various community services, which many would argue is beneficial. This perspective is particularly common among residents of suburban areas, where such growth is typically seen as a marker of success and prosperity.
- However, I would like to present a different viewpoint, one that takes into account the unique character of rural communities. In these areas, the implications of rising property values might not be universally welcomed. Rural residents may have concerns that extend beyond the financial gains. For instance, they might be wary of the increased traffic that could come with a growing population. The influx of trucks and trailers on their roads could lead to congestion and potentially harm the local environment. These are some of the negative aspects that could accompany the growth that drives up property values. Therefore, it is important to consider that the priorities of a rural community may differ significantly from those of a suburban one, and the potential drawbacks of such changes may outweigh the benefits for some residents.
- 6:50 pm **Schwartz** I don't know that.
- 6:50 pm **Florence** I think I understand your position and what you want and what you think some other people want. I don't see how that affects the need for you to stand by your own rules and give an impact study for each of these. A written impact study along with the proposal.
- 6:50 pm **Cashorali** I'm willing to document my plan, which involves presenting it whenever I have discussions the day before a presentation. It's easy for me to provide this to you, but I want to highlight that you're imposing stricter expectations on me as I strive to make a difference within the community.
- 6:51 pm **Florence** I'm only holding you to your own standard. I think that's totally fair.
- 6:51 pm **Cashorali** I believe that the population affected by your decisions feels that the system is rigged and unfair, with unequal treatment and accommodations.
- 6:51 pm **Florence** What's rigged holding you to your own standard? There's nothing rigged to that.
- 6:51 pm **Schwartz** Where are you coming up against that?
- 6:51 pm **Cashorali** I want to emphasize that my comments are not directed at everyone. It's important for me to clarify this point. At the last meeting, I acknowledged the board's commendable efforts, and I stand by that recognition. The support I have received from you has been exceptional, and I truly appreciate the sound decisions that have been made. I hold each of you in high regard as individuals.

However, there is one concern I feel compelled to express. It is my sincere belief that there may be a lack of awareness regarding the potential negative consequences that some actions may carry. Moreover, there's a risk that these impacts could be more pronounced in the future, especially if individuals with

differing perspectives were to assume your roles. This is the core reason behind my apprehension and the motivation for bringing this matter to your attention.

6:52 pm **Florence** Well, the impact study will be a golden opportunity for you to write down.

6:52 pm **Cashorali** You do that.

6:52 pm **Revane** You have expressed a desire to amend, exempt, and modify the Land Use Ordinance (LUO), citing the preferences of the community as the driving force behind these changes. However, there appears to be a lack of tangible evidence supporting this claim. To date, there have been no written documents, formal requests, or documented rejections that suggest a widespread demand for such alterations. Furthermore, the Zoning Board of Adjustment (ZBA) has not encountered a significant number of cases that would justify an overhaul of the LUO.

Therefore, I must question the source of this perceived demand for change. Where exactly is the outcry from our town's residents for a revision of the ordinance due to its perceived restrictiveness? As it stands, there seems to be no substantial pushback from the community that would warrant rescinding or loosening the current regulations.

6:52 pm **Crandall** Plus the fact that I can't get by the fact everything in the regulation has been already voted by the public.

6:52 pm **Revane** The reason we established these protocols was to allow for flexibility and adaptability within our zoning regulations. The Zoning Board of Adjustment (ZBA) was specifically empowered with the capability to override certain rules and to grant exceptions based on a set of predefined criteria. This was intentional, recognizing that the ZBA, as an appointed body, has the unique authority to address specific circumstances that may not have been anticipated when the rules were created.

We have a system in place that monitors the frequency of variances being requested. The rationale is that if the ZBA consistently grants the same type of variance on more than three occasions, it indicates a broader need within the community. This recurring situation suggests that our Land Use Ordinance (LUO) may no longer be serving the community's needs effectively and could require an amendment. Essentially, it becomes a signal that the exception is becoming the rule, and it is at this point that the ZBA would propose an LUO change.

The process is designed to be responsive to the public's needs. When a significant number of variances are granted for the same reason, it's a clear indication that potential changes to the LUO should be considered. This is a part of the procedural workflow that we follow.

Moreover, I have practical experience with these matters. I encourage those with concerns or questions to visit the Select Board's office for further discussion. If you can provide additional information, such as the number of signatures you've collected on a petition, it would give us a more substantial foundation to address the issue at hand.

6:53 pm **Cashorali** We're a little more than halfway there.

6:53 pm **Revane** But we don't have any documentation that.

6:54 pm **Cashorali** I haven't formally asked for anything because I prefer transparency. I just wanted to share my thoughts, which is why I inquired about the document.

6:54 pm **Revane** As previously mentioned, imposing a restriction whereby residents can erect a shed on their property without a permit, provided it does not exceed 10x10 feet or 100 square feet, could lead to a situation where individuals might exploit this rule. It is conceivable that some homeowners in the community may take advantage of this by placing up to 30 such structures on their land.

- 6:54 pm **Cashorali** I must express my disagreement with the point raised. However, for the sake of discussion, let's consider the possibility that this situation applies to certain individuals. Firstly, it's important to question the number of individuals who are reacting in this manner as a direct consequence of being wronged by these policies in the past. This is a relevant consideration, especially since our previous conversations touched upon the notion that some actions are motivated by spite. My contention is specifically with regard to those individuals who, feeling aggrieved, might act out of a sense of retaliation.
- 6:54 pm **Schwartz** I don't think that they're doing it out of spite. I think they're doing it as a workaround.
- 6:54 pm **Cashorali** I would like to offer a suggestion for consideration. I am simply presenting this concept: the challenge of proving a negative. In the realm of finance, as in many areas of life, it is widely acknowledged that proving a negative is an inherently difficult task, if not impossible.
- Take, for example, the concept of opportunity cost, which is a fundamental idea in finance. When individuals encounter situations where they must address the difficulty of proving a negative, they often experience frustration and anger. These emotions can lead to a sense of futility, prompting them to question whether pursuing such a proof is even worthwhile.
- Instead of succumbing to these feelings, it might be more productive to openly discuss and explore why we sometimes insist on attempting to prove a negative, despite knowing the challenges it entails. By engaging in this conversation, we can better understand the motivations behind our actions and potentially find alternative approaches to these complex issues.
- 6:55 pm **Schwartz** Come in and talk to us about it if they're really, well, again, having a problem? Because we're totally open to everybody.
- 6:55 pm **Cashorali** I concur with the point being made. However, I have some concerns that I'd like to address. Firstly, there's a common perception, which I've discussed on numerous occasions, suggesting that personal connections can influence the acquisition of desired outcomes, while those without such connections are overlooked. I'm not asserting this to be a fact, but it is a widespread belief that needs to be acknowledged.
- Secondly, there seems to be an assumption that residents in our town, where a significant number live just above the poverty line, have both the time and the understanding required to engage with the process at hand. From my perspective, this is not the reality for many individuals. As an example, my wife, who works as a guidance counselor in Hillsborough, has seen firsthand that numerous families in our community simply do not have the capacity to participate in the way that is expected.
- I want to emphasize that I believe the intentions behind our actions are positive and I am not suggesting any malicious intent on the part of those involved. However, I do feel compelled to point out that we may not be adequately representing the entire population of our town. Those who do come out to vote typically represent a minority with the means and the knowledge to navigate these processes. Conversely, those who are less likely to participate, perhaps due to lack of understanding or resources, might mistakenly believe that their opposition is inconsequential. It is crucial that we consider these factors to ensure fair and inclusive representation for all members of our community.
- 6:56 pm **Florence** Are you saying then that people in general don't understand our process, but they will understand your process?
- 6:56 pm **Cashorali** My perspective is that simplicity is key. For instance, if individuals are not required to go through a complex procedure, they will straightforwardly build a shed

without additional steps. I believe this concept is easily understood by most people.

However, there is another aspect to consider. I recognize that certain procedures, which are not inherently malicious, are put in place by government policies to establish checks and balances. These are essentially obstacles designed to slow down processes and make them more challenging. For example, when you have multiple committees, elected officials, and various boards all meeting at different times, it becomes nearly impossible for an average person who is working two jobs, whose spouse is also employed, and who is raising three children, to keep track of everything. It's unrealistic to expect them to stay informed and not be caught off guard when they discover that over the past five years, a multitude of regulations have been imposed on them.

This situation serves as an alarming revelation. Some individuals, who are seeking business permits, are suddenly becoming aware of a process they never knew existed. They are left bewildered by the complexity and the sudden realization of these requirements. That's the crux of my argument. Nonetheless, I want to clarify that I am not entirely opposed to the existence of such processes.

6:57 pm **Schwartz**

We're willing to inform people about our straightforward permitting process and will reach out to businesses to ensure they comply in a friendly manner.

6:58 pm **Florence**

I would like to transition to another significant topic I have in mind, which I hope to discuss with both the board and Mr. Cashorali. I am particularly interested in understanding our responsibilities, as well as Mr. Cashorali's, in ascertaining the legality of various proposals that have been put forth, such as proposal number six.

6:58 pm **(All refer to...)**

6. Any board or committee member that misses more than one monthly meeting during a calendar year will no longer be eligible to serve on that board or committee. (In the case of a board that meets weekly, 1/12 the equivalent would be the number of meetings where absence would be acceptable)

6:58 pm **Florence**

Upon reviewing RSA 673:13, I find myself confronted with ambiguity. This statute delineates the prerequisites for eligibility and the grounds for disqualification. However, it remains opaque to me whether the legislative body of our town possesses the authority to contravene these stipulations.

To elaborate, RSA 673:13 appears to state that an appointing authority, such as our planning board, may remove an appointed member, myself as an example, under certain circumstances. These circumstances include instances of malfeasance or dereliction of duty, among others. Importantly, the statute mandates that any such dismissal must follow a public hearing. This requirement adds a layer of procedural protection for the appointed member and ensures transparency in the process.

6:59 pm **Crandall**

Correct.

6:59 pm **Florence**

They're pretty serious reasons, and clearly spelled out. There's no contemplation in 673:13 for automatic disqualification.

6:59 pm **Crandall**

Does any board have the authority to eliminate somebody who was an elected person?

6:59 pm **Florence**

The Select Board can with cause under 673:13.

6:59 pm **Kluk**

It has to be egregious, and there has to be a public hearing.

6:59 pm **Florence**

And there has to be a public hearing. That's right.

7:00 pm **Revane**

And basically the board member has to refuse to resign.

7:00 pm **Florence** After conducting some research on the practices of various municipalities, I have come across information that might be of interest to you. I believe the town in question is New London, although I am not certain and would prefer not to be quoted on that. At the moment, I do not intend to delve into the details, but I can provide a brief overview of their approach.

According to their rules of procedure that I recall, there is a specific provision that pertains to attendance for members of the planning board. In New London—assuming that is indeed the correct town—the rule states that if a planning board member is absent for four consecutive meetings, the planning board has the authority to recommend that the select board take action under the powers granted by RSA 673:13.

However, this rule is not without its stipulations. It specifies that the absence must be without a valid reason. Therefore, it implicitly allows for the possibility of an appeal or an explanation from the member in question. Essentially, the rule recognizes that there must be an opportunity for the individual to present their case or justification for their absences before any formal action can be taken.

7:00 pm **Revane** It would also be necessary to demonstrate that there is a burden. However, in the event that a board member is unable to attend, an alternate steps in to fill their position. This ensures that the board remains fully constituted. Furthermore, as long as absences are justifiable due to medical or other legitimate reasons, there should be no issue.

7:01 pm **Florence** There's no foundation in law for the legislative body to force the hand of the Planning Board, the ZBA, or any other board, to dismiss a member. What research did you do in terms of the legality of your proposals?

7:01 pm **Cashorali** I had two attorneys who also sit on other boards look at them.

7:01 pm **Douglas** Who were they?

7:01 pm **Cashorali** I'm not paying them and I don't feel that it's right to give any further details.

7:01 pm **Douglas** But you said they're on other boards.

7:01 pm **Cashorali** We ensured these measures are constitutional, and if passed by the town's legislators—who are the citizens themselves—they could be subject to appeal.

7:02 pm **Florence** If it's not legal, doesn't the Select Board have the authority to not put a warrant article before the town?

7:02 pm **Cashorali** That's a matter of opinion. I don't think that's true. Non binding votes happen all the time. We did one on the parking situation. That was a non binding vote. The Select Board, for example, has full authority on all parking in the town.

7:02 pm **Douglas** But that's not a question of legality.

7:02 pm **Cashorali** They conducted a vote that was non binding to understand where the people felt things should go.

7:02 pm **Florence** So you're saying that if people voted for number six, it would be non binding? Is that what you're saying?

7:02 pm **Cashorali** I'm not suggesting it is. I think it's fully constitutional.

7:02 pm **Florence** Well, constitutional is not the issue.

7:02 pm **Cashorali** We are asking more of our board members than what the state asks. We are allowed to do that.

7:02 pm **Florence** I don't think so.

7:02 pm **Schwartz** We're totally allowed to. We can be more restrictive than this.

7:03 pm **Cashorali** I'm not saying it is legal. Y It would require us to pass it.

7:03 pm **Florence** I'd go to the mat if you forced me to resign from the ZBA because I missed one meeting, I'd take you wherever it took to appeal that.

7:03 pm **Cashorali** I'd like to address a phenomenon that occurs frequently within boards across various states. Often, we find that boards consist of several members, among whom some are focused solely on a single issue. These individuals typically attend meetings only when their specific concern is on the agenda, leaving their alternate to participate in the remaining discussions and decisions.

As one who has observed this, I'm not suggesting that it's happening within our board, but rather pointing out that it is a common strategy utilized by many. The issue arises when alternates, who are not elected officials, end up casting votes on a wide array of topics. This scenario effectively leads to non-elected individuals having considerable influence over the governance of a town, which raises concerns about bureaucratic overreach and the undermining of the democratic process where elected representatives are expected to make decisions on behalf of their constituents.

7:04 pm **Florence** But that's not happening. And I'd submit that your proposal number six is in fact a Trojan horse for number seven.

7:04 pm **(All refer to...)**

7. If a committee or board is unable to attain a quorum for two consecutive meetings at any point during the year the board or committee will be disbanded and all work will stop, pending a vote at town meeting by the people. Any approvals needed during this time will be handled by the selectmen in a timely manner.

7:04 pm **Schwartz** Both are guided by our rules of procedures.

7:04 pm **Florence** The process of reducing the number of members on a board is methodically executed by rule number six. This rule stipulates that any member who fails to attend a meeting is immediately removed from the board. Following this, rule number seven comes into play, which dictates that if the board's membership falls below the required number for a quorum, the entire board is disbanded at that moment.

7:05 pm **Cashorali** I do not believe that that will happen.

7:05 pm **Douglas** That may not be, but that's what you propose.

7:05 pm **Florence** I'd love to hear you stand up at town meeting saying vote for number seven because it's never going to happen.

7:05 pm **Cashorali** I aim to safeguard against specific scenarios that can arise within board membership dynamics. Consider a situation where an individual joins a board and remains active for a period of six months. After this tenure, they move on to a different location for another six months, during which an alternate consistently fills their role. Additionally, there's a concern regarding members who may join a board solely to address a single issue. Once their particular interest is resolved, they are absent for the remainder of their term. It's essential to establish measures that prevent such patterns of participation, ensuring that board membership is consistent and dedicated to the full range of responsibilities.

7:05 pm **Florence** Give me one example of that happening in. It's never happened here.

7:05 pm **Crandall** We went through all of these issues last time. Why are we going through all again?

7:05 pm **Florence** I'm sorry, it's my fault. I got on my high horse because I wasn't here then and I will shut up now.

7:06 pm **Crandall** We returned with a set of suggestions and provided our feedback on them. Should you wish to engage in further discussion regarding these suggestions, we are

open to that. However, I am of the opinion that it is unlikely for anyone to change their stance on the matter at this point.

Mr. Cashorali has proposed certain remedies for the issues at hand. In the event that these issues are deemed significant, one could consider initiating a petition warrant article. Admittedly, I am not entirely certain about the specifics, but it seems to me that a petition warrant article should include the exact wording of the proposed article. While I lack complete knowledge on this procedure, I strongly believe that it is important for someone to verify this requirement.

I want to clarify that my intention is not to imply a "put up or shut up" attitude. However, I do find myself questioning how much longer we will continue to deliberate over these topics. I am trying to understand the appropriate duration for our discussions to ensure we are moving forward effectively.

7:06 pm **Douglas**

I think we're done with the discussion. But the point is for you to get this in the warrant, you'll have to have a public hearing on every item.

7:07 pm **Cashorali**

Just to be clear, I've already missed the deadline for this board. So proposal number one is going to have to wait until next year. That is not happening. I cannot submit that in time.

Regarding the remaining items, a public hearing is not necessary if they are not related to planning board and zoning matters. These items should be directly added to the warrant, and I believe there is a requirement for a printing lead time, which is approximately ten days. Furthermore, it is important to note that the wording I provide for these items will be used exactly as submitted. Although this wording may not be in legal terminology, it still carries significant weight. Courts have been known to make exceptions based on the phrasing provided in these circumstances.

7:07 pm **Florence**

I have a question for Mr. Revane. Don't all of these proposals have to go through the town attorney first to rule on whether they're legal before they could become warrant articles?.

7:08 pm **Revane**

Yes.

7:08 pm **Cashorali**

I think that the legislators are the people and have ultimate authority.

7:08 pm **Florence**

But not to approve illegal articles. Well, thanks. I've asked all my questions.

7:08 pm **Cashorali**

if you want to meet outside this meeting, we can have a fuller conversation. I'm happy to do that. I appreciate you hearing me again.

3.5 Town Center Vision project, parking and access for town buildings, planning for Library adjacent property

7:08 pm **Crandall**

I would like to update you on the current status of our project, although there is not an abundance of new information to share at this time. I have taken the opportunity to provide the Select Board with a comprehensive briefing, detailing all relevant aspects of the project, including the various potential costs associated with each item.

The board now has the responsibility to review the information presented and make decisions regarding which items they wish to proceed with. They will also need to determine the associated costs or obtain further cost quotations as needed. To facilitate their decision-making process, we have already supplied them with cost estimates for a select few items. The determination of costs for the remaining items will be at their discretion.

Regarding the access and parking plan for our facility, we are continuing with the same foundational strategy that has been in use previously. However, there is one notable change: we have decided to remove the stairway from the plan. The rationale behind this decision is to address the stairway only if and when there is a

clear demand for it. Should the need arise in the future, stakeholders can request its construction at the appropriate time.

- 7:09 pm **Kluk** Mr. Chair, I'd like to address an issue that was brought to my attention earlier. Someone approached me, aware that I would be attending this meeting, despite my tendency to arrive late on occasion. They entrusted me with the responsibility of raising a particular topic for discussion, one that, from what I understand, has garnered a degree of support within the community.
- The matter at hand pertains to the proposal of removing the driveway in front of Town Hall entirely, which I believe was an idea you initially put forward. I'm here to present this suggestion and open the floor for conversation about it.
- 7:10 pm **Crandall** That was one of the compromises.
- 7:10 pm **Kluk** I think that was a compromise at one point.
- 7:10 pm **Crandall** Believe me, we've hit this driveway going every place.
- 7:10 pm **Kluk** I would like to convey an optimistic viewpoint regarding the proposed plan. It is my belief that the plan would garner increased support if it were implemented with specific changes. Specifically, the plan would be more favorable if it designated the street as a one-way thoroughfare, limited to a single lane, and with a strict no-parking policy in compliance with the RSA parking prohibition regulation. By transforming the street into a one-way route, it would streamline traffic flow and potentially address some concerns that stakeholders may have.
- 7:11 pm **Kluk** Yes. I hadn't really thought of that either. But it does create a one way. Go this way and then, you know, circle back one way that way and eliminates two directional traffic behind Town Hall.
- 7:11 pm **(Crosstalk)** *clarifying the one-way direction as southbound*
- 7:12 pm **Kluk** The one-way direction would serve people coming from the north that wanted to park in the diagonal spots. They could pull in front of the church in the town hall.
- 7:12 pm **Schwartz** Wouldn't the reverse direction, northbound, be better?
- 7:12 pm **Kluk** I don't know. The suggestion was one way southbound.
- 7:12 pm **Martin** I appreciate the logical progression of the route. As you head south past the town hall, you're presented with several options. If you're approaching from the direction of the church, you can make a right turn to exit the area. Alternatively, you can choose to turn left and enter the parking lot situated behind the town hall. Additionally, there's the option to circle around the town hall a few times if you wish to do so.
- 7:13 pm **Revane** You could also go around and stop at the handicap spot. And then when you left you could take a right in front of the Police Department and head right back.
- 7:13 pm **Kluk** You could drop someone off at the front door.
- 7:13 pm **Douglas** Well, the cones have got everybody's attention.
- 7:13 pm **Revane** I'm taking them down this week anyway as people are ignoring them and driving over the common.
- 7:13 pm **Crandall** I do like the idea of ever all grass in front of a town level.
- 7:13 pm **Schwartz** But a one lane wouldn't be all grass.
- 7:13 pm **Kluk** It would be one lane, no parking. So it would shrink it down.
- 7:13 pm **Schwartz** But if you've got one lane, are people still going to just pull over and park?
- 7:13 pm **Kluk** We'll find out. You put a few little rocks along the way so that you can't get off.
- 7:14 pm **(Crosstalk)** Should we use rocks to deter parking? ... Or a vertical curb? ... Would make it hard to cut grass ... Also plowing in winter .. Perhaps temporary chains in the summer?

7:14 pm **Schwartz** Would we still want a walkway?

7:14 pm **Kluk** We wouldn't need it if it's a one way street. No, no walkway, just a narrow one way road.

7:15 pm **Revane** It's baby steps. It's better than what we have. And if it's ahead in the right direction, then there we go.

7:15 pm **Florence** If it's going to win some votes, that's decisive.

7:15 pm **Crandall** People, as you know, are complaining. Bob moves the cones every Sunday.

7:15 pm **Revane** Yes, I put them back.

7:15 pm **Crandall** Currently, individuals are able to park in the same spots that are available to them. In theory, there are only two parking spaces located adjacent to the church. Ultimately, these two spots will remain, but their location will be shifted. Instead of being situated on the far front side, the new parking spots will be positioned on the side of the church that lies between the church itself and the police station. Essentially, this change boils down to a choice regarding which door people prefer to use for entry.

Prior to the construction, there was no parking available beside the church. However, once the construction commenced, a parking area was established to accommodate an office trailer for the contractors overseeing the project.

I often find humor in the situation by comparing it to how people behave when they go to the gym. Despite our intentions to exercise, we tend to look for the parking spot closest to the entrance, minimizing the walk to the door. Similarly, the convenience of the new parking arrangement by the church seems to echo our gym parking habits. I'm all for getting something, so I would be glad to.

Again, it's not just me, but the committee has spoken, so I would at least run it by them.

7:16 pm **Revane** The situation with the property adjacent to the library on the hill is similar to other development projects we've discussed. We have a valuation for a building that requires reconstruction—it's a storage or utility building. The concept being considered involves relocating the public garden to this area and assessing what would be necessary to prepare the site. This includes soil conditioning, fencing, and other proper landscaping measures. Our goal is to transition the focus from the parks and recreation department and enhance the space with features that appeal to adults, such as cornhole or horseshoe pits, in addition to the existing playground.

The library has expressed a need for additional parking, and I believe that approaching this issue from the perspective of park development will be more persuasive. Since the property in question is owned by the town and not the library, it's important to frame the discussion around how the town can benefit. To facilitate this, we plan to propose at the upcoming town meeting that the property be officially designated under the jurisdiction of the parks and recreation department. This would allow for the appropriate allocation of funds and ensure that the project is managed by a town board committee.

7:18 pm **Schwartz** Currently, the Select Board oversees it. You don't want the responsibility?

7:18 pm **Revane** We can't give money to ourselves. We got to give money to somebody to build this fence.

7:18 pm **Schwartz** It's got to go to Parks and Recreation.

7:18 pm **Revane** The town's residents seem to be in agreement regarding the property in question. The general consensus aligns with their desires for the future use of the land. I have engaged in conversations with various individuals to gauge their opinions, which has led me to raise the issue at the town meeting. The critical question we

need to address is the community's vision for the utilization of this property, which, it's important to note, is owned by the town and not the library.

There is an acknowledgment that there is a building on the property that requires renovation. As we contemplate moving forward with any plans, it's imperative to determine who will have oversight of the property to ensure proper management and accountability.

By clarifying who will oversee the property, we can then allocate funds specifically for the necessary improvements. This financial planning would allow us to proceed without the need for funds to be indirectly managed or, as it were, "shimmy shuffled" through various channels. Our goal is to establish a clear and efficient process for the property's development and maintenance.

7:19 pm **Crandall** I agree and believe it's important to have an attractive entrance on the north side of Washington.

7:19 pm **Revane** We have several additional ideas that we plan to discuss regarding the utilization of the property in question. The overarching goal is to enhance the property in a way that serves the town's interests. Specifically, we are looking at how the property can be integrated with educational activities, given its proximity to the library.

The vision includes creating a space that encourages community engagement. For example, we envision couples visiting the area, where one partner might engage in gardening while the other could spend time in the library. Alternatively, children could be involved in planting activities while also having the opportunity to explore the library and its resources.

The synergy between outdoor activities and the library is a key aspect of this plan. We aim to foster a connection between the two, promoting a holistic approach to learning and community involvement. The property itself is quite attractive, and we believe it has great potential to become a vibrant hub for the town's residents.

7:20 pm **Kluk** A pickleball court would probably get a lot of support.

7:20 pm **Crandall** Yes a lot of support for a pickleball court, unless you live next door.

7:20 pm **Revane** Yes, they're extremely noisy.

7:20 pm **Kluk** Point taken.

3.6 Camp Morgan Protection Committee

7:20 pm **Crandall** Moving on to the next agenda item, we have the Camp Morgan Protection Committee to discuss. To streamline our discussion and minimize the need for lengthy explanations, I have requested Ms. Schwartz to circulate some documents to everyone beforehand.

The committee has already convened, and I would like to remind everyone that it was established pursuant to a warrant article. We have taken the initiative to publish both the committee's mission statement and its rules and procedures on the website for public access. Our goal is to prepare a report for the upcoming town meeting, which will also be included in the town report. From there, we will assess our progress and determine our next steps.

We have encouraged the public to notify us of any proposed changes in land use, as it is crucial for the committee to be involved in such matters. The process for this is detailed in the documents provided, and it is important to note that it involves a multi-step procedure. A critical aspect of this procedure is that any decision requires the approval of three-quarters of the eligible voters, not just three-quarters of those present at the town meeting. This distinction is significant and should be kept in mind as we move forward.

7:21 pm **Schwartz** It's three quarters of the people that come and vote. You have to show up and vote.

7:22 pm **Crandall** Thanks for the correction. The meeting last year was emotional, with people eager to preserve their property for future generations. This is just the beginning.

7:22 pm **Martin** I'm sorry. It seems to me your argument is speaking on both sides.

7:22 pm **Crandall** I probably am.

7:22 pm **Martin** Somebody tried to get the land protected and that was defeated.

7:22 pm **(Crosstalk)** *land is protected, but not by the Conservation Commission*

7:22 pm **Crandall** My personal perspective has been consistent from the onset of this entire endeavor. While I have never publicly opposed the initiative, I have always maintained a stance of support for any measure that gains approval.

Despite my general support, my endorsement does not come without reservations. There have been instances that give me pause—for example the local snowmobile club proposed a minor adjustment to their trail, merely seeking to shift it by 20 or 30 feet. Yet, they were met with refusal, facing an assertion of stringent control over the property. This raises an important question: Why should the town relinquish its right to have a say in such matters?

The resolution to this situation does not lie in policy but in politics. There are five committees, each representing different segments of our town, and they play a crucial role in this process. For any proposal to move forward, it must secure a two-thirds majority vote within these committees. Subsequently, the proposal must also achieve a two-thirds majority approval from the selectmen. Only then can a course of action be ratified and implemented.

7:23 pm **Schwartz** No, these committees just bring it to the Select Board and they have to bring it To the town for a vote.

7:24 pm **Crandall** Then it has to go and get a three quarters vote from the town by ballot. The warrant article is quoted in the mission statement, and is posted on the Town website.

7:24 pm **Revane** We have plans to include the discussed item in the minutes of the Select Board. Initially, I reached out to Ms. DeFosse, but she was unavailable. It was important to me that we carefully reviewed the item to ensure its accuracy before adding it to the minutes. This is information that should be accessible to the public for review.

The procedure we're documenting is the one we deliberated and consented to during the town meeting. It outlines the steps necessary for any potential actions concerning the property in question. Essentially, this procedure provides a mechanism for presenting the matter to the townspeople for a vote when the time comes.

It's a straightforward process, but it still needs to pass through various checks and balances. This is to confirm that we're proceeding correctly well before it reaches the point of a town vote. The Conservation Commission, Forestry, among other relevant boards, is involved in this process. I am confident that these boards will make decisions that align with the best interests of our town, especially if there comes a time when the property is considered for development.

7:25 pm **Crandall** In 100 years, regardless of what has or hasn't been developed.

7:25 pm **Revane** Certainly. If new technology emerges that we previously wished to implement but couldn't, we now have a process to consider its integration, such as a Cold Fusion reactor, which I support.

7:25 pm **Florence** It is quite fascinating to consider the current conversation we are having. Interestingly, all the checks and balances were passed with great enthusiasm

during a town meeting.

7:25 pm **Crandall**

Right.

7:25 pm **Florence**

The level of support we witnessed was truly overwhelming. I would like to take a moment to bring our attention back to the points raised by Mr. Cashorali. Indeed, there was a significant push to introduce various obstacles to prevent any changes to Camp Morgan. I find it important to highlight this observation.

3.7 Master Plan

7:26 pm **Douglas**

I recently had a conversation with a representative from the Upper Valley Lake Sunapee Regional Planning Agency. They reached out to me with a phone call yesterday, informing me that they would be providing a document to aid us in the process of updating our master plan. During our discussion, I took the opportunity to express my thoughts on the material I had reviewed. I mentioned that the work done previously was of high quality and well-executed. Additionally, I made sure to extend my gratitude to Ms. Kluk for her contributions.

7:26 pm **Schwartz**

I think they have a copy of our prior Master Plan.

7:26 pm **Douglas**

Oh, I'm sure they do.

7:26 pm **Crandall**

When is it due, 2025?

7:27 pm **Schwartz**

Yes.

7:27 pm **Schwartz**

So, Mr. Cashorali, that might be something you want to be involved with, being on the Master plan committee. Because we're updating the master plan in 2025.

3.8 ZBA Report

7:27 pm **Florence**

I would like to discuss two matters, both of which I will address succinctly.

Firstly, there is an upcoming hearing with the Housing Appeals Board that I believe warrants our attention. The hearing is scheduled for December 21st at 10:00 a.m. While I cannot discuss the details since the matter is currently under appeal, I encourage those interested to visit the Housing Appeals Board's website for more information. As of this meeting, the schedule had not been updated, but I have been informed that the hearing will indeed take place at the specified time. Additionally, there will be an option to attend via Zoom, though I plan to be there in person. I thought it might be beneficial to bring this to everyone's attention.

Secondly, in line with Mr. Revane's earlier comments regarding unexpected issues and compliance with local ordinances, I'd like to touch upon a recent case that came before us. The case involved a property where the proposed construction was too close to wetlands, and the septic system was also planned to be in close proximity to these sensitive areas. According to provision 202, there is a clear setback requirement that structures must not be within 50 feet of wetlands. However, a lesser-known rule in 303.1 states that septic systems must maintain a distance of at least 75 feet from any surface water or wells. This requirement became a point of contention during our deliberations with the Zoning Board of Adjustment (ZBA), as it was potentially overlooked or unexpected.

It's worth noting that the term "surface water" is not explicitly defined within the land use ordinance (LUO), except as it pertains to the definition of wetlands. The LUO provides a precise definition of wetlands, which includes land and vegetation that is periodically covered by surface water. As this recent case has highlighted, it is essential that we pay close attention to all provisions within the LUO to avoid future complications and ensure that our local regulations are clear and well-understood.

7:30 pm **Schwartz**

Wetlands don't always have standing water.

7:30 pm **Revane**

The question was about where to start the setback for land use, given different soil drainage conditions. It was determined that the setback should begin at the

wetlands.

- 7:30 pm **Florence** You mentioned that before, but the term "poorly drained soil" is not defined in the Land Use Ordinance (LUO).
- 7:31 pm **(Crosstalk)**
- 7:31 pm **Florence** I wanted to echo Mr. Revane's remarks regarding the factors that influenced our decision. Indeed, the aspect he mentioned was significant to us; however, it was not the sole determinant. Our evaluation was also heavily guided by the definition of wetlands provided in the Land Use Ordinance (LUO).
- It was certainly helpful that the wetland boundaries had been clearly delineated and marked on-site. This visual confirmation was appreciated, but our reliance on the LUO's criteria was paramount. According to the LUO, one characteristic of a wetland is the presence of surface water—a condition we directly observed during our assessment. This observation was another critical element that contributed to our determination.
- 7:32 pm **Douglas** Have you brought in a soil scientist to help you?
- 7:32 pm **Florence** Nope. Nope. Nowhere in the LUO does it say one is needed to delineate wetlands.
- 7:32 pm **Revane** The Zoning Board of Adjustment (ZBA) used the wetlands as a reference to determine if a structure met the required boundaries. The structure did not comply, so the ZBA denied the variance. Additionally, the ZBA did approve a variance for a well to be located closer than the standard 50 feet distance to the road right-of-way.
- 7:32 pm **Douglas** But we do not issue permits for wells, right?
- 7:32 pm **Schwartz** No. The state does.
- 7:33 pm **Florence** The owner requested a variance, which we granted, allowing the well to be placed closer than 50 feet to the road. However, the risk of pollution from road salt is the homeowner's responsibility.
- 7:33 pm **Revane** The same is true when they put them on the shoreline and they overflow when the water comes up and they flood the wells.
- 7:33 pm **(Crosstalk)**
- 7:33 pm **Florence** In response to the query you raised previously, Mr. Douglas, I would like to clarify the interpretation of the Land Use Ordinance (LUO) concerning the definition of wetlands. The drafters of the LUO had the opportunity to specify that a wetland is to be identified based on the delineation provided by a state hydrologist in accordance with RSA 666 and so on. However, they chose not to adopt this particular definition.
- Instead, the framers of the LUO opted for a definition that characterizes wetlands primarily by the presence of vegetation that is periodically inundated by surface water. This is the language that is explicitly stated within the LUO.
- When the Zoning Board of Adjustment (ZBA) reviewed the matter, our assessment was guided strictly by the definition as set forth in the LUO. Consequently, we did not take into account the evaluations of state hydrologists or soil scientists in our deliberations. This was due to the fact that the LUO does not incorporate such professional assessments into its definition of what constitutes a wetland.
- 7:34 pm **Martin** Suppose a neighbor puts in the driveway. And as a result of the change in drainage on my property caused by that, I now have standing water. Am I now bound by the regulations even though it was just dry forest land before?
- 7:35 pm **Florence** The definition of a wetland is much more than standing water. It's to do with the vegetation, how long it's inundated with standing water or groundwater. There's 40 or 50 words to amplify that.

4.1 Phil Byers - business Permit, letter sent with exemption application

- 7:35 pm **Martin** Refresh my memory. What kind of business does he have?
- 7:36 pm **Schwartz** Landscaping and construction. They also have one dog that they breed, and then they sell the puppies.

8.1 Communications

- 7:36 pm **Revane** I would like to address an issue related to communications that pertains to an active case. Given the sensitive nature of the matter, I will need to approach the topic with a degree of caution.
- A question has arisen concerning the legitimacy of transient individuals staying in structures that do not qualify as traditional dwellings. Specifically, this involves cases where individuals stay overnight or for short periods, such as a weekend, in a facility that isn't defined as a residential space.
- The key issue we need to discuss is the criteria that determine whether such stays are permissible. Additionally, we must consider how we define a non-dwelling structure in the context of these transient stays.
- 7:37 pm **Crandall** Was that a tent?
- 7:37 pm **Revane** The space in question is located above a garage, essentially functioning as a storage shed. It measures 10 feet by 20 feet, totaling an area of 200 square feet. The intention is to convert this area into a bunkhouse for use during the summer months, primarily on occasional weekends. The majority of this area is comprised of the upper level of the garages. Currently, there is no permanent bed installed in this space. Instead, the plan is to equip the area with a full-sized air mattress and several fold-out couches to serve as sleeping accommodations.
- 7:37 pm **Kluk** Does it meet the criteria for a guest cottage?
- 7:37 pm **Revane** The issue is whether a structure qualifies as a guest cottage and if so, can it be allowed even if it doesn't meet certain criteria? This matter is currently being contested in court.
- 7:38 pm **Schwartz** What criteria doesn't it or does it meet?
- 7:38 pm **Douglas** The issue is that the current situation does not comply with the original permissions granted when it was constructed.
- 7:38 pm **Schwartz** If it is designed or modified for a specific purpose and meets the necessary criteria, it can be allowed with a permit.
- 7:38 pm **Revane** And then just call it a guest cottage.
- 7:38 pm **Kluk** But then you have to get an annual permit for your guest cottage per the LUO.
- 7:38 pm **Revane** So that just lends more credence on why we need a building inspector, because this is just going to take up way too much time.
- 7:38 pm **Douglas** 301.2 Transient stay is allowable as long as they change the use into *inaudible*.
- 7:39 pm **Schwartz** They have to have facilities.
- 7:39 pm **Kluk** Those facilities have to exist in a dwelling.
- 7:39 pm **Florence** One or more rooms with cooking, living, sanitary and sleeping facilities. That's how we define it.
- 7:39 pm **Kluk** It can't exceed 30% of the living area of the permanent dwelling.
- 7:39 pm **(Crosstalk)** Is the structure in question on the same lot as the dwelling? ... Are they owned by the same people?

- 7:40 pm **Douglas** If so, it could never be turned into it a full time dwelling because you can't have two dwellings on one lot.
- 7:40 pm **Schwartz** Unless it's an ADU.
- 7:40 pm **Revane** It's not attached.
- 7:40 pm **Kluk** They can build a garage and attach an ADU to the garage.They could and still have a guest cottage.
- 7:40 pm **Revane** This building has undergone a mere nine variations from its original design. It has been constructed upon a pre-existing framework. Notably, there was a carport on the premises that had been standing for over a decade. This structure was subject to an equitable waiver, which the owner now intends to convert into a habitable space. However, as of now, the space remains a carport. The owner's current plans involve renovating it to create an enclosed area, with the intention of using the space for his family's living quarters, particularly to accommodate his children.
- In working with the owner over the past two years, we have incurred significant financial costs. Throughout this period, the owner has consistently failed to comply with the regulations, breaching them from the very beginning.