

**Kingston Planning Board
Public Hearing
Minutes**

March 6, 2018

The Chairperson called the meeting to order at 6:50 PM. There were no challenges to the legality of the meeting.

Members in attendance:

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| Glenn Coppelman, Chair | Chris Bashaw |
| Peter Coffin, V. Chair | Peter Bakie |
| Carol Croteau | Lynne Merrill |
| Ernie Landry, alternate | Robert Pellegrino, alternate |
| Ellen Faulconer, alternate/admin. assist.(arrived with meeting in progress) | |

Members absent: Mark Heitz, BOS (Board of Selectmen) rep.

Also in Attendance: Glenn Greenwood, Circuit Rider Planner

**Hawk Ridge of South Kingston
Bent Grass Circle
Kingston, NH 03848
Tax Map R3-4 Land Unit 4**

Mr. Coppelman opened the hearing; he noted that the applicant had asked for a continuance. Ms. Faulconer suggested that the Board might want to set conditions for the receipt of new plans and specify that due to possible changes in the plan, confirm that no building within the Bent Grass Circle area of the plan should be occurring. Mr. Bashaw asked about any new occupancy permits for that area. Mr. Coppelman said he did not believe there were any new occupancy permits but his understanding is there is some new construction. Mr. Coffin confirmed that jurisdiction had not been invoked.

MM&S to continue this hearing until April 17th, contingent on complete plans being submitted by April 5th and no new construction occurring in Bent Grass Circle. Discussion: Mr. Bashaw clarified that corrective items to bring the site into compliance are acceptable but no construction in Bent Grass Circle. Mr. Pellegrino said that the applicant had said that there were no issues with the proposed changes. Mr. Greenwood explained that they are making changes to Bent Grass and that is the discussion that is taking place with the Board; they have permission to continue with other areas per the plan.

Friendly amendment to the previous motion:

MM&S to continue the hearing to April 17th contingent on the Board's receipt of complete plans due by April 5th; no new construction within Bent Grass Circle other than items

recommended by the Town Engineer to come into compliance. (Motion by Mr. Coffin, second on Mr. Bashaw) **PUNA** (Passed Unanimously)

Board Business:

Tim Roche
Executive Director
Rockingham Planning Commission

Mr. Coppelman introduced Mr. Roche who joined the Commission last Fall; he noted that the Town has had a Circuit Rider contract since 1987. Mr. Roche noted that they are billing out for Mr. Greenwood's hours at \$66/hr which would allow for 444 hours but his actual rate bills out at \$85.66/hr. which allow for 342 hours. Mr. Roche explained that the rate had previously been offset by dues but this is no longer sustainable. There was discussion about possible remedies including a "not to exceed" contract and the suggestion that the Town address the number of hours required yearly. He explained dues and membership fees and the associated hand-out he provided to the Board. Mr. Roche stated that the financial well-being of the organization needs to be addressed. Ms. Merrill agreed that there was a need to be fair to other communities. Mr. Coppelman suggested that this would be the opportunity for the Board to look at the needs of the Board and the Town to decide what is needed, more hours, less hours and determine costs. Ms. Faulconer stated that the budget was being voted on in a week; it was too late to add funds at this point for contract which would begin in July; she suggested that the first ½ of the contract would need to remain the same as the Town had not been notified during budget preparation of any need for increases. Mr. Roche stated that this may take a couple of years/cycles to determine the best course of action; there was no expectation that it be addressed immediately. Mr.

Greenwood agreed saying there had been a lot of discussion internally about dealing with the imbalance; there was a different management perspective now as has been handled in the past. Mr. Coppelman said that a junior planner would cost less and not create much of an issue. Mr. Coffin said that a junior planner would take more time having to research past issues. There was discussion regarding type of service needed, number of hours, keeping the service while keeping the Commission fiscally sound. Mr. Coppelman suggested putting it on Mr. Greenwood to lead a discussion with the Board regarding the reasonable level of service; the Board would need a baseline on how to move forward. Ms. Merrill confirmed that the contract would need to be renewed on July 1st and cautioned about not having a contract in place; she suggested a Task Force to be put in place after the election. Ms. Faulconer suggested that Mr. Roche would need to speak with the Board of Selectmen about the financial implications of any upcoming contract.

HDC Editorial Corrections

Mr. Coppelman said that after having a discussion with the HDC Chairperson, this discussion will be continued to a later meeting to confirm that the language is correct.

Correspondence

- Letter from Pat's Truck Sales, LLC dated March 6, 2018; located at 77 Rte. 125, Kingston; letter included hours of operation: 8-7 Mon-Fri, 9-4 on Saturday, Sunday by

appointment; the letter continued that there are 2 acres of land so there would be ample parking; 1-3 employees; same signage with the name change on the signs; no storage of hazardous material on the site.

<Board note: Ms. Merrill recused herself from this discussion; she sat in the audience during the discussion.>

Mr. Coppelman reviewed the location; Ms. Faulconer noted that there was no site plan for this location in the file. Mr. Bakie stated that this was not changing the use; it was the same thing. Mr. Coppelman asked the Board whether a site plan was required as there was not one on file. He expressed concern about having a discussion with the applicant about the proposal as it was not noticed as a hearing; he added that normally it would need to be noticed if discussing a specific use on a specific site. Mr. Bakie asked if there was a plan in the file or some documentation; he questioned if this was not a change in use if they needed to do the whole stormwater issue; he asked about any documentation showing parking and other items to reach the determination. Mr. Bashaw read the site plan review regulations regarding the need to have some type of formal hearing; he said that the regulations require that there is an approved site plan on file in the Planning Board office; there would need to be a formal hearing and the applicant could request a waiver. Ms. Faulconer stated that there was a proposed plan in the file that had been withdrawn and not approved. Mr. Coffin and Mr. Coppelman both discussed the possibility of the applicant providing a plan that was not fully engineered; there would then be something on file for an approval and there would then be something in the file for other future expansions. Mr. Bashaw suggested that if they are not looking to construct or expand, then making changes to the existing blueprint may work. Mr. Coffin said that there would be the need to record the number of vehicle and parking spaces. Mr. Bashaw said that it had to be a noticed hearing and abutters notified; the applicant should review the regulations and ask for waivers as needed. Mr. Pellegrino suggested they could ask for the quick review adding that it wouldn't kill the Board to know what was being sold. Mr. Coppelman said that these things would come up during the Board's discussion. Mr. Coffin agreed with Mr. Bashaw that there needed to be something on file. Mr. Coppelman agreed with Mr. Bashaw that it would be up to the applicant to request waivers. Mr. Bashaw added that while the proposal seems similar to the previous use, the Board can't blanket waive the requirements.

MM&S to require a site review with the ability of the applicant to request waivers of the Board's requirements. (Motion by Mr. Bashaw, second by Mr. Coffin) **PUNA** (5-0; note: Ms. Merrill recused herself from the vote.)

- Letter dated 3/4/18 from Chanel St. Pierre re: dog-grooming location at Church St. plaza; Ms. Faulconer noted that the file shows an approval for dog-grooming previously in 2011. Ms. Merrill said the unit is currently empty. Mr. Coppelman said that for a retail plaza, if not deviating from the approval, the Board usually okays; he added that a Business Occupancy Permit (BOP) would be needed; if there were changes to the exterior, a review might be required.

MM&S that no further review is required; let the Building Inspector know; let the applicant know that a BOP is required. (Motion by Mr. Coffin, second by Ms. Croteau) **PUNA**

- Spring Planning and Zoning Conference notice – Mr. Coppelman stated that any interested Board member should contact Ms. Faulconer re: registration.
- Letter from Dennis Testagrossa dated 2/28/18 re: Evergreen Auto, 4 Main Street; the letter notes that the property has changed hands and he has a lease to run a used car dealership on the site; the Board discussed whether this was a change of use. Ms. Faulconer stated that there was a letter in the file to a previous owner that vehicle sales was a change of use on the site and was not an approved use for the site. The Board reviewed the tax map and it appears that it is in the Rural Residential (RR) Zone with the front part in the Aquifer Protection District (APD). Mr. Coffin said it is a change of use from auto salvage to auto sales; in the RR zone, it is not a permitted use but is also not a prohibited use; it was determined that the proposed use would require ZBA action for a variance to the zone as the Special Exception provision was possibly being removed per the upcoming vote. The Board noted that the most recent license was a dealer junk license.

Mark Pouliot spoke on behalf of the applicant noting that there was a valid license through March, 2018; he added that it had been revoked by the State. Mr. Coppelman added that since it had been revoked, there was not valid license. Ms. Faulconer said that the license on file was a Dealer license for Auto Recycler. Ms. Merrill added that the license did not mean for the sale of cars. Mr. Pouliot said that with the license he had the approval to sell cars. Ms. Faulconer noted that Town approval was also necessary for auto sales on the site not just a State license. Mr. Coffin said that there would need to be a site plan review for use auto sales; salvage could continue. Mr. Pouliot asked if the applicant could operate under the condition of doing salvage. Mr. Coppelman said the Board would need another letter stating that just salvage would be continuing; any changes or expansion of use would require a site plan; he added that Mr. Testagrossa's use would be constrained by the letter. Mr. Pouliot said that Mr. Testagrossa's intent is to sell whole, sellable vehicles. Mr. Bakie discussed the location that includes fencing that limits ability to see beyond the fence adding that he would need to display vehicles in front of the fence. Mr. Pouliot said that no cars would be on display. Mr. Coffin said that the State license should be clear as to what is permitted. Mr. Bashaw reviewed State permit details for Retail Vehicle dealer versus Recycling . Mr. Bashaw re-iterated that if the use was as an auto recycler, that was a continuation of an approved use but if the intent was to sell whole, complete vehicles a site plan was needed as a change of use. Mr. Pellegrino agreed. The Board agreed by consent. There was continued discussion regarding Dealer Junk license, salvage, whole/retail license and the differences. Ms. Faulconer explained that when a license is applied for with the State, the Town gets paperwork asking if the use meets current zoning and has Town approval, at this point, the Town would have to say "no"; vehicle sales does not currently meet those requirements. Ms. Merrill said that the applicant would need to come to the Planning Board with the plan and need a variance from the ZBA (Zoning Board of Adjustment). Mr. Greenwood suggested that the applicant could request a joint hearing. Mr.

Coppelman described the joint hearing process. The ZBA schedule was briefly reviewed. Mr. Bashaw explained that the Planning Board (PB) did not have the authority to grant a variance. Mr. Pouliot hoped to get a joint hearing; Ms. Faulconer explained the ZBA application process. Mr. Coffin and Ms. Merrill reviewed the meeting and application dates for the ZBA and PB. Ms. Faulconer provided the PB's application deadline for the April hearing. Mr. Pouliot stated he was not sure that they could wait until April; he continued that they had been occupying the property under a false pretense since September, trying to chase down licenses. Ms. Faulconer noted that this information had been provided to Mr. Testagrossa prior to the site being auctioned. Mr. Coppelman suggested they get the recycling license as they work with the PB and ZBA for the appropriate review. Ms. Faulconer noted that used cars could not be sold with a recycling license. Mr. Pouliot suggested that salvaged cars might be able to be sold. Mr. Bashaw suggested that he double check with the State's definition for that. Mr. Coppelman said that at this point, the Town has said that used cars cannot be sold on the site. Mr. Pellegrino asked if they were phasing out of salvaging cars and only wanted to sell used cars. Mr. Pouliot said that Mr. Testagrossa wants to only sell used vehicles at this location. There was discussion regarding salvaged vehicles, registering salvage vehicles and auto sales. Mr. Pouliot asked to confirm that the Town does not want Mr. Testagrossa to sell cars at the location. Ms. Coppelman clarified that the Town has not approved selling cars at that location. There was discussion regarding a salvage dealer license. Mr. Pouliot confirmed that no car or mechanical repair would be done on the site. Mr. Pellegrino said that this would be cleaner for the town. Mr. Coppelman said that this type of discussion would happen during any public hearing for the use. Mr. Coppelman said that the Board would need a letter from Mr. Testagrossa that his intent is to use the site as it has been used according to the Town files. Mr. Greenwood said the Board would need a license application confirming the use. Ms. Faulconer clarified that the approval on file is for automobile recycling, not salvage; she didn't want the applicant getting confused on what the previous approvals were. Mr. Coppelman clarified that the State license request comes to the Planning Board for review for compliance and the BOS is the Board that signs off on it. Mr. Coppelman re-iterated that the Board would need a letter of intent indicating the continued use of the site as it had been approved.

- Letter from Mr. Allard dated 3/6/18, 56 Little River Road re: landscaping project that includes a koi pond. Mr. Coppelman explained that the Board has no purview over residential landscaping; appreciated Mr. Allard's due diligence and being proactive in reaching out to the Board. Board consensus was that no review by the Board was needed; refer Mr. Allard back to the Building Inspector.

MM&S to accept the Feb. 6, 2018 minutes as written. (Motion by Ms. Croteau, second by Mr. Coffin) **PUNA**

Minutes for 2/10/18 site walk were reviewed. Mr. Bashaw had prepared a small amendment for the minutes; copies of his proposed changes were distributed. Mr. Pellegrino stated that he had a couple of issues with these minutes that he wanted to discuss when done with Mr. Bashaw's proposed amendment. Ms. Merrill commented on her recollection of the discussion regarding flowers on the highway that might have been there from a bird. Mr. Bashaw stated that he had

asked specifically if the botanist had stated whether they were native to the area or caused to be planted there; the botanist didn't believe that they had been physically planted there but may have been transplanted by bird or wind or migrated over there. Mr. Pellegrino said that was his issue with the minutes because he felt there were inaccurate. He read from the section of the proposed minutes regarding the Northern Blazing Star. He said that the minutes should have reflected a comment that "nobody planted these flowers here or anything like that" and he stated that he was not saying that anyone had but he found that a strange question as the first thing he thought of was that someone planted them on purpose. He continued that Mr. Magnusson said that he didn't plant them and we can take him for his word and he didn't think he would do that but he did admit, which wasn't in the minutes, to buying seeds for this flower and did admit planting them on his farm and he thinks it is important that this be in the minutes. Mr. Pellegrino continued that Mr. Magnusson admitted that a seed might have migrated across the street from his side of the road and that could have started the flowers; Mr. Pellegrino added that Mr. Magnusson also admitted that a bird might have dropped it there; he noted that none of this was in the minutes. Mr. Pellegrino continued that Mr. Magnusson said he put the signs up, not the State; he stated that the Board should have this discussion as Mr. Magnusson introduced them to the area by buying the seeds so if they flew across the street or he planted them, either way, it doesn't matter, he vehemently said he did not plant them and Mr. Pellegrino stated that he believed him. He continued that he didn't think that it would be a very good thing for someone to do; it would be a morally bankrupt thing to do, if someone was trying to not have a project go across the street by planting these flowers there but Mr. Pellegrino stated that he was not saying that Mr. Magnusson did that. Mr. Pellegrino said that this was what he wanted to bring up for doing the minutes. Mr. Pellegrino noted that it was not only important to the Town but to the property owners for them to know that Mr. Magnusson did admit to buying seeds and growing them. Mr. Coppelman said that minutes can be amended to reflect things the Board wants included. Mr. Bashaw said that it would have been difficult for Mr. Coppelman to do the minutes for the site walk. Ms. Croteau noted that she did not hear any of this discussion. Mr. Coppelman said that minutes are stated as "summary minutes"; he added that it is difficult to take the minutes on a site walk as everyone is not all together and a lot of things happening; he stated that he is more than happy on a site walk to relinquish the taking of the minutes to someone else. Mr. Pellegrino suggested bringing a tape recorder to a site walk. Mr. Coppelman said he would be happy to have Mr. Pellegrino take the minutes. Mr. Pellegrino said it did not have to be word for word but it was important information that should be in the minutes. Mr. Coffin added that anyone who wants something specific in minutes for a site walk needs to stay together as a group so comments can be captured. Mr. Pellegrino stated that he was not blaming Mr. Coppelman. Mr. Pellegrino spoke about the minutes being legal documents used in a court of law. Mr. Coffin noted that anything specific needed to be brought up at the time for discussion; if important, it is up to a Board member to note that the comment is important so they appear in the minutes. Ms. Croteau said this was why the Board had discussions, so the minutes could be amended as needed. Mr. Coppelman said that while it is appropriate to have discussion to amend or add things, it is not constructive to criticize how the minutes were done but provide specific changes. Mr. Bakie stated that how Mr. Bashaw had done it, by providing the proposed amendment, was perfect. Ms. Merrill suggested that perhaps for future site walks and specific comments should be addressed specifically to the person taking the minutes to make sure it is recorded otherwise it is almost impossible with so many conversations going on at once. Mr.

Pellegrino had suggestions to add to the minutes; it was suggested that he prepare them like Mr. Bashaw did for the Board to review. Ms. Faulconer noted that sending to the office to provide copies to the Board for the discussion was fine, as Mr. Bashaw did; it would not be sent out for discussion prior to the public meeting/hearing; she noted making amendments to minutes were not a big issue.

MM&S to table acceptance of the Feb. 10th site walk to the March 20th meeting. (Motion by Ms. Merrill, second by Ms. Croteau) **Motion passed 5-0-1** with Mr. Bakie abstaining as he didn't go on the site walk.

Other Business:

- Mr. Coppelman handed out a flyer for an upcoming meeting to look at agricultural land uses per the Board's project list. Ms. Croteau noted that unfortunately White Cedar Farm was going out of business. Ms. Croteau and Mr. Coppelman reviewed the process leading up to the meeting. Mr. Bashaw asked if this was to discuss commercial agricultural uses or if included any agricultural issues such as having chickens, as an example. Mr. Coppelman answered that it was to get input on anything to do with agricultural; the discussion is supposed to be wide open. Mr. Coppelman said it will be limited to a couple of hours and is hoping to have it televised and re-broadcast. Mr. Bashaw said it will be good to get input for the Board. Mr. Coppelman added that the meeting is to be all encompassing and will go where the conversation leads. Ms. Croteau said that it will help to make plans for land use; she re-stated her disappointment that White Cedar Farm is having to close. The Board okayed going forward with this.
- Mr. Bakie spoke about him being contacted about possibly recusing himself for the Pellegrino project as he has done work for him in the past; he noted that he does not do all of Mr. Pellegrino's work; he has not contractual obligation to Mr. Pellegrino. Mr. Bakie stated that he owns a commercial business in Kingston and 95% of his work is new construction. He was afraid that this would set precedence in hindering his bidding on any new construction that happened to first come to the Planning Board for review. He explained the bidding process to do work on Mr. Pellegrino's houses; he is not currently contracted to do any future work on Mr. Pellegrino's houses in the plan currently before the Board. He added that he can make an unbiased judgment. Mr. Coppelman said that his understanding is that recusal is up to the individual Board member; the Board or a Board member can ask that a member recuse themselves but it is up to the Board member to make the call. Mr. Coppelman talked about the situations in which recusal might be expected especially when someone is either an abutter or has a financial interest in a project; there are levels of conflicts. He re-iterated that it is the Board member who makes the judgment to recuse noting that Ms. Merrill recused herself this evening due to a financial interest. Mr. Bakie said he did substantial research on this; he did not want anyone to think that he can't make a correct decision; he clarified that he had no open contract with Mr. Pellegrino and has no guaranteed financial interest with him. Mr. Bakie hoped that the Board would not think he would sell himself for a house or two as it was not worth it to him or his business. Mr. Bashaw asked if, at any point, Mr. Bakie bid on the job during the process or just after the fact; he asked if there were any conversations in the interim. Mr. Bakie answered "no". Mr. Coppelman said Board

members may want to think about these issues when getting a new application and any Board member who might have a conflict should disclose it so any issues happen at the beginning of the review. Mr. Bashaw discussed the standard of judicial application; he said that there has been case law that during the public notice, voicing the potential perceived conflict with no objections raised, protects the Board from the decision being overturned. He suggested ways to raise the issue or take a non-binding Board vote noting that it is still up to the individual Board member. Mr. Coppelman said that Mr. Bashaw brought up a good point that if it is a real conflict and the recusal doesn't happen then it could put the Board in jeopardy with regard to the decision; it is not the ramification to the individual but to the Board. Mr. Bashaw said that he read an article in the NHMA explaining personal or pecuniary interest; the interest must be "immediate, definite and capable" of demonstration not "remote, uncertain or speculative" (NH case law). Mr. Coffin said that he has been to NHMA lectures about this and lawyers will bring up potential conflicts to suggest bias and use it as an issue and the judge would then send it back to the Board as the decision was tainted. Mr. Coffin suggested Mr. Bakie speak with Attorney Loughlin about this issue. Ms. Faulconer said if Mr. Bakie has stated that he is not currently working for Mr. Pellegrino, then what he may or may not do in the future is not relevant to the Board so why would he need to contact an attorney about that. Mr. Bashaw said if it is happening the way it is being indicated, then it appears it would be a speculative, pecuniary interest; he added that if it was the case of "if the project goes through, you can work on my property" that would be different, but it doesn't sound like that has happened. Ms. Faulconer said that Mr. Bakie said that he is not working for Mr. Pellegrino and what he does on the properties before the Board in the future is not pertinent to the Board. Mr. Bakie clarified that he has done work for Mr. Pellegrino; he does not have any contractual obligations on the future houses. Ms. Faulconer asked Mr. Bakie if he was doing work for him now. Mr. Bakie said he was finishing a house for him now, but, he has no current issue or interest on the future project Mr. Pellegrino is working on as everything has to be bid out. Mr. Pellegrino stated that Mr. Bakie is working on the first phase project; he is not working on second phase. Mr. Bashaw noted that Mr. Coppelman had a good point that an announcement should be made at the beginning of the process especially so abutters are aware and if they take issue, that would be the time to express any potential concerns; express them at the beginning instead of after decisions. Mr. Bakie said if something comes up in the future, he will be the first to let the Board know. Mr. Bashaw will send a link to the NHMA article re: conflict; Ms. Faulconer will send it out to the Board members for their review.

- Mr. Pellegrino stated that since the Board was talking about the site walk, he would like to speak about the 11/21/18 minutes; he reviewed a discussion the Board had on 1/2/2018 and thought since it wasn't reviewed again, he would review aspects of it at this point. Ms. Merrill noted that those minutes had already been read and approved and not changes could be made at this point. Mr. Pellegrino wanted to review the process adopted by the Board; he did not agree with the minutes as approved by the Board. He reviewed his recollection of issues regarding the Board's procedures regarding minutes from November and December and storage of the tapes. Mr. Pellegrino noted that he did not come to the Board to join the good old boy club; he came to fix what was broken which

was the Planning Board and it had been for decades. He continued with issues he has with the Board ignoring him when he says the minutes are inaccurate. He reviewed the correct way to destroy tapes. He said that if the Board was going to continue to ignore him, he would do this every time the Board met. He reminded the Board that the minutes are court documents; he noted that he has continued to try to tell the Board that the minutes are court documents and are used in a court of law and if there are items that aren't in them, they can't be used in a court of law. He stated that he took an oath and he should not be ignored every time he brings something up. Mr. Pellegrino expressed issues with the timing of destroying the tapes. Mr. Pellegrino stated that it wasn't true that the television equipment was malfunctioning and the Town shouldn't have been told that it was; the Board can't lie to the public and he won't let them while he is present. He called the attorney general about destroying the tapes who stated that he had no jurisdiction over a municipal planning board. He stated he has a civil attorney's name to call. He said the Planning Board needs to fix the process that has broken; he noted that he has been trying to bring this up to the Board and the Board has adopted inaccurate minutes and he is trying to let the Board know that it is not the proper process. He said the Board could ignore him again, which is fine, but he is going to bring it up again and again if the minutes are not correct to amend every single time as the minutes are not depicted accurately. Mr. Pellegrino stated that this is not the way a Planning Board is supposed to be run; he said whether a Board of Amazon or Raytheon as we are a 400 million dollar Town so we are a Board, regardless, and we need to keep our minutes; he said that if you don't want to keep the minutes word for word, then the Board needed to find someone who will. Ms. Faulconer noted that the Board has voted not to keep "word for word" minutes as that is not what minutes are. Ms. Faulconer also during Mr. Pellegrino's recollection of events, Mr. Pellegrino stated that Ms. Faulconer had said she was on vacation for 2 weeks which would have been sometime around the Dec. 12th meeting; she explained that this was an inaccurate comment as anyone who knows her is aware that she works in Welfare and is in charge of Toys for Tots for Christmas; she could not be on vacation during that time. Mr. Coffin asked Mr. Pellegrino if there had been any time when the Board did not permit him to make a motion to amend the minutes. Mr. Pellegrino stated that for the 11/21/18 minutes, he was an applicant and knew what he said and he said that he did not agree with the minutes but they were still approved. He said that some of the items made him sound foolish and if he talked like that he would resign. Mr. Coffin stated that he did recall Mr. Pellegrino saying several times that the minutes are inaccurate but he never heard him make an amendment to add or delete anything. Mr. Pellegrino stated that he goes over and over the minutes and the Board just keeps ignoring him; he re-iterated that he keeps trying to tell the Board that the minutes are a legal document. Mr. Pellegrino stated that as a non-voting member he could not make an amendment. Mr. Bakie said that while he might not be able to vote, he could bring up an amendment. Mr. Pellegrino said he would write up an amendment to keep the minutes accurate, if not word for word. Mr. Bashaw said that while Mr. Pellegrino feels that he has been ignored by the Board, at no point has he presented something that would require action taken under the proper jurisdiction. Mr. Bashaw encouraged to submit items in writing whether as a Board member or member of the public. Mr. Bashaw said that the Board also financial constraints and having the minutes

transcribed word for word for every meeting is incredibly cost prohibitive. Mr. Pellegrino said the issue is that as the Board is not televised, there is no other way of keeping our minutes so people can go back in history to find out specific details and the intent of the Board's conversations. There was continued discussion regarding minutes, guidelines, RSA's and constraints the Board faces due to State and Town legislation. Mr. Bashaw explained that there is a formal process for receiving information. Mr. Bashaw said it just turns into a series of complaining without any formal request to handle a situation; then the Board can't address any issues. Mr. Pellegrino said he is here to fix the process; he noted that it is a huge issue with it being a legal document; he said that maybe word for word might be difficult but suggested there should be a better effort at creating the minutes; being accurate but not word for word regardless of the length of the meeting as it is a legal document and the intent should be available five years from now, ten years from now or even next week. He will put things in writing from now on as he now is aware he has some input as an alternate. He said he would leave the discussion at this and thanked the Board for their time.

Mr. Greenwood asked to go on the record to clarify that the Board's minutes have been repeatedly used in lawsuits over the last 10 years that Ms. Faulconer has been taking the minutes; for probably 8 or 10 legal actions, he has heard the attorneys for Kingston gush over the information and the recording of decisions and comments by the Board that are reflected in the minutes prepared by Ms. Faulconer. He stated that he works in a lot of towns and reads a lot of minutes and for Mr. Pellegrino to say that the minutes are poor and illegal and not meeting requirements as a legal document is offensive to him. Mr. Greenwood noted that he has nothing to gain in his comments about the minutes; he uses them all the time in his interaction with applicants and residents in Town and he finds them invaluable. Mr. Greenwood continued that the process allows amendments and every member can make comments to amend the minutes; he added that saying the process is broken is offensive; the minutes as prepared are very, very good; he explained that it is the responsibility of the Planning Board member clarify that there is an issue. Ms. Faulconer explained that she works at the Board's pleasure and if the Board wants verbatim minutes, that is up the Board but this Board has made a decision, as a Board, that this is not what they want done; she added that nobody else does it that way; it was not her decision to not do them verbatim, it is up the Board. Mr. Pellegrino said that he agreed with Mr. Greenwood to a point but as an alternate member, the point he is bringing up is that the minutes are not accurate and the Board is not doing anything about it; he said that Mr. Greenwood has his opinion that the minutes are accurate but he has his opinion that they are not and he would like it addressed. Mr. Bakie suggested that should Mr. Pellegrino have anything he wants added to the minutes, he can do it in writing. Mr. Coppelman said that this has been the process all along. Ms. Merrill said she belongs to a lot of organizations that go to the other extreme with the only thing captured for the minutes is the motion and the second and the vote; she thinks the only way to support the intent is have more discussion than that but it is impossible to do everything verbatim although having the tapes allows for verbatim minutes; she continued that there is often a lot of repetition in the discussions and while nothing is ever perfect, the minutes are exceptionally thorough; occasionally something is summarized or missed and if you think

it needs to be corrected, it should be done at that time and if not done and the minutes accepted, it is done and discussion should not be raised again and the Board can carry on. Ms. Croteau agreed with Ms. Merrill's comments adding that if going by Robert's Rules, it is just the motion and the vote with no summary. Mr. Pellegrino stated that doesn't make it right. Mr. Coppelman stated that the Board is done with this discussion.

- Mr. Landry announced the next meeting for the review of the development of the Historic Resource Chapter of the Master Plan; the meeting will be held on March 22 at 7:00 PM at the Town Hall; he is hoping that it will be televised. He distributed copies of the draft chapter along with a Donated Labor time sheet; the Board members can record the time needed to review the chapter and make comments; the time involved can be used toward the Town's match. Mr. Coppelman encouraged the Board members to attend the meeting; Mr. Landry added that attendance also counts toward the match and saves the Town money. Mr. Landry noted that an electronic copy can be sent if preferred; Board members can contact Ms. Faulconer.

MM&S to adjourn at 9:50. (Motion by Mr. Coffin, second by Mr. Bashaw) **PUNA**