

**TOWN OF HOPKINTON
PLANNING BOARD**

Wednesday, January 3, 2024

7:00 P.M.

**Hopkinton Town Hall
1 Town House Road, Hopkinton, RI 02833**

MOMENT OF SILENT MEDITATION AND A SALUTE TO THE FLAG: Chairman
Prellwitz led the meeting in a salute to the Flag.

CALL TO ORDER:

In Hopkinton on the third day of January 2024 A.D. the meeting was called to order by
Chairman Ronald Prellwitz at 7:00 p.m. in the Town Hall Meeting Room, 1 Town House
Road, Hopkinton, RI 02833.

ROLL CALL:

Mr. Prellwitz, Mr. Wayles, Ms. Bolek, Mr. Spencer, Mr. Kohlman and Mr. James were
all in attendance, as were Interim Planner Ashley Sweet and Solicitor Scott Levesque.
Mr. Terranova attended via Zoom.

PRE-ROLL FOR FEBRUARY 7, 2024, PLANNING BOARD MEETING: Mr. Prellwitz
noted that he would be absent. All other members indicated that they planned to attend
the February 7, 2024, meeting.

**MINUTE APPROVAL EXTENSION REQUEST PURSUANT TO RI GENERAL LAW
42-46-7(b)(1):** December 13, 2023 and December 14, 2023 Meeting Minutes.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO
EXTEND THE APPROVAL OF THE DECEMBER 13, 2023 AND DECEMBER 14,
2023 MINUTES PURSUANT TO RI GENERAL LAW 42-46-7(b)(1).

IN FAVOR: Prellwitz, Wayles, Bolek, Spencer

OPPOSED: None

SO VOTED

APPROVAL OF MINUTES:

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO
APPROVE THE MEETING MINUTES OF NOVEMBER 13, 2023.

IN FAVOR: Prellwitz, Wayles, Bolek, Spencer

OPPOSED: None

SO VOTED

OLD BUSINESS:

Comolli Solar

Preliminary Plan – Continued Public Hearing – Major Land Development Project – **Comolli Solar** - Plat 2, Lot 73, Unit 2, 0 Chase Hill Road. Comolli Solar, LLC and Comolli Granite Co., Inc., applicant.

The Planning Board may discuss, consider, and possibly vote on this Preliminary Plan application at this meeting.

Mr. Prellwitz advised that the applicant wished to extend this hearing.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO CONTINUE THE PRELIMINARY PLAN PUBLIC HEARING FOR COMOLLI SOLAR MAJOR LAND DEVELOPMENT PROJECT, PLAT 2, LOT 73, UNIT 2, 0 CHASE HILL ROAD TO THE FEBRUARY 7, 2024 MEETING IN THE COUNCIL CHAMBERS AT 7:00 P.M. AND THE DECISION TO FEBRUARY 29, 2024.

IN FAVOR: Prellwitz, Wayles, Bolek, Spencer

OPPOSED: None

SO VOTED

Atlantic Solar

Master Plan – Continued Public Informational Meeting – Major Land Development Project – **Atlantic Solar** - Plat 7, Lot 31, Plat 10, Lot 87, Plat 11, Lot 35, 0 Main Street, Atlantic Solar, LLC, applicant.

The Planning Board may discuss, consider and possibly vote on this Master Plan application at this meeting.

Mr. Wayles indicated that according to a letter received by the applicant, they wished to continue this matter to April 3rd.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO EXTEND THE MASTER PLAN PUBLIC HEARING FOR THE ATLANTIC SOLAR MAJOR LAND DEVELOPMENT PROJECT TO THE APRIL 3, 2024 MEETING IN THE COUNCIL CHAMBERS AT 7:00 P.M. AND THE DECISION TO APRIL 30, 2024.

IN FAVOR: Prellwitz, Wayles, Bolek, Spencer

OPPOSED: None

SO VOTED

NEW BUSINESS:

Pawcatuck Retreat

Master Plan – Public Informational Meeting – **Pawcatuck Retreat** – AP 23, Lot 59, Alton Bradford Road, Ron Rudolph, applicant.

The Planning Board may discuss, consider, and possibly vote on this Master Plan application at this meeting.

Sergio Cherenzia of Cherenzia & Associates with offices at 99 Mechanic Street, Pawcatuck, Connecticut was present on behalf of the applicant. The plans and the application before the Board were prepared by his office and they also performed the land survey and site engineering design in conjunction with some other consultants. He explained that the site is located on the north side of the Pawcatuck River and has 8.45 acres which are largely vacant. When the new dam was constructed, Mr. Rudolph's site was used for staging that construction, so it had previously been cleared and there is access to the Pawcatuck River from this site. This site contains wetlands which have been flagged and submitted to RI DEM for the proposed development and the application is pending. He noted that they are pushing the development away from the river, as much as possible, except for one site feature which the applicant wishes to develop, which is the well pump house which has a roof and four walls. This historically held all of the equipment for the pump house, and is in good condition. There is also an abandoned well on site which they believe pumped water to BDA. They wish to utilize the well, with some improvements, for this site and believed it had more than enough capacity to serve the three dwelling units that they are proposing. They would like to repurpose the pump house, elevate it and have it meet flood code as a dwelling unit. The site is wooded around the perimeter and there are steep slopes that surround the perimeter and the north and northwest sides of this property abut Hopkinton Land Trust property. The steep slopes are wooded with mature trees, and this creates a buffer around an area which they are calling the retreat. They have been working with the neighbors and assuring them that they will maintain a buffer. They are proposing three different new structures in addition to the renovation and addition to the pump house. One of the proposed structures will be a garage to house recreational equipment such as kayaks and also be a place where a vehicle could be parked. Further in there will be a cul-de-sac where they are proposing two residential three-bedroom structures. This development will be subject to a homeowner's association and a private road. The private road and driveways will all be crushed stone. The road width near the wetlands is approximately fifteen feet and then beyond will be twenty feet. Each house will have storm water management on site and single-family residential standards of some bio-retention areas. The septic will be a common element. Mr. Cherenzia stated that the cluster regulations indicate that with a common water source and community septic system, it allows lots to go down to as small as 20,000 square feet, but the lots they are proposing are approximately 40,000 square feet and larger. He believed underground utilities will be brought in from the street, which will be a coordination effort with Rhode Island Energy. They will be maintaining the limit of disturbance that is already there and will not be digging into the slope around the perimeter or clearing any of the mature trees. Their goal is to minimize the impact and maintain the buffer to the river and the surrounding property. He advised that they had met with Marilyn Grant of the Land Trust, and they were amenable to a reduced buffer adjoining their property, which was also allowed by regulation. There would be a fifty-foot buffer, which he believed was adequate and what the neighbors were used to. They have applied to the RI Department of Transportation, who made some comments on some detailed work to make sure the radii and the improvements adjacent to Alton

Bradford Road were to their specifications and they have updated that, and he would bring that updated plan to the preliminary phase. They did not indicate that they would require a traffic study which was a waiver that the applicant was requesting. Mr. Prellwitz asked if they had received any input from the fire department and Mr. Cherenzia did not believe so, but they would have that at the preliminary stage. Mr. Wayles wished to see paperwork concerning the HOA because there would be a combined building, well and septic. Mr. Cherenzia agreed and noted that the road itself would be put into open space and be considered in the HOA and they would outline in detail the road, well and septic maintenance as well as the shared structure. He stated that they would bring a draft forward at preliminary as well; however, this usually was not completed until closer to the final stage. Mr. Kohlman asked if a well test had been performed to determine if there would be adequate water flow for the three units and Mr. Cherenzia indicated that this had been done and everything was in order. Mr. Kohlman also questioned the 1,000-gallon septic tank located at the garage and Mr. Cherenzia acknowledged that there may be a sink or something in the garage that may need to be connected and he would go back and check on that. He reiterated that there would not be any dwelling units in that building. Mr. Kohlman asked if the pump house was going to be converted into a two-bedroom dwelling and Mr. Cherenzia believed it to be a one-bedroom dwelling and Mr. Rudolph agreed. Ms. Bolek stated that the tiny house was located next to the river and asked if there was going to be something to catch snow or rainwater. Mr. Cherenzia explained that the tiny home was going to have a green roof because there really was not any space there to do any storm water management. Ms. Bolek also questioned the parking by the tiny home and Mr. Cherenzia noted that there was parking off to the west side. Ms. Bolek asked if they were going to take measures to stop potential driveway runoff from going into the river and Mr. Cherenzia explained that the driveway would be made up of compacted subgrade with the crushed stone surface which was typically the standard and as long as it is not too steep it should not run out. If there were any concerns, they could divert this so there would be no wash out. Ms. Bolek asked if there would be any postings on the Land Trust property and Mr. Rudolph stated that he was happy to work with the Land Trust to have whatever postings that they require. Ms. Sweet wished for clarity on the driveway or roadway which was being proposed because it would need to be a private road, not a driveway. She also stated that the driveway could not be on its own lot. The Board cannot create a lot that cannot be developed unless it is reserved for open space. She felt it made sense to have the open space as one entire lot with the roadway as part of it and have it all go to the HOA to manage. There are two provisions that the applicant is requesting relief from, one is because they do not have ten acres; however, the ordinances state that the Planning Board can allow a cluster subdivision on less than ten acres if they believe that the unique historic character, topography and land features would be appropriate for a cluster. They are also asking for a waiver from the traffic report, which Ms. Sweet noted that she supported. Ms. Sweet indicated to the Board that she had provided them with a draft decision. She did believe there were some outstanding issues but the draft decision she provided them with had conditions that would resolve those issues at preliminary. Mr. Prellwitz felt that Mr. Cherenzia had done a good job.

Chris Robertson of 12 Howard Street was curious to know if the HOA would allow for weekly rentals of these properties. Mr. Prellwitz questioned Solicitor Levesque if short term rentals would turn this into a business and he advised that he did not know if the

town had any regulations regarding Airbnb's. Ms. Robertson noted that sometimes it was spelled out in the HOA documents that there could not be any short term rentals.

Joe Ballata of 13A-B Alton Bradford Road had concerns regarding the proposed septic system but noted that Mr. Cherenzia had answered those concerns. He also noted that the road going into this site floods out and believed that it needed to be built up. He stated that the pump house was old and located right on the river and was extremely small. He did not believe it would make sense to try to save that structure. Mr. Prellwitz advised that Mr. Cherenzia had indicated that they planned on raising that structure up, which was confirmed. Mr. Cherenzia explained that the access to the site was a very low-lying area where the wetlands come up to the edge of the private road. The proposal is to elevate the road and widen it slightly because it is a flood plain. Mr. Ballata asked if there would be a culvert under the road and Mr. Cherenzia did not believe there would be but noted that there was a culvert that accesses across thoroughfare that accesses the Pawcatuck River. He noted there was a small pocket wetland on the north side and then the rest of the area is the wetland associated on the southern side of that drive which gets flood inundated from the river. All structures will be built in accordance with the flood code. Also, with respect to the well house, they are using that footprint because it is an established structure, but it will be elevated and put on piers and be flood compliant. They cannot save the foundation but the structure itself can be renovated, elevated and added to. Mr. Wayles asked Mr. Cherenzia if he had any comments regarding the discussion of the property being used for short-term rentals and Mr. Cherenzia advised that they would not agree to restrict this property on any type of rental basis at this time.

There was discussion on rendering a decision and Solicitor Levesque noted that on page 3 of the draft decision there were conditions of approval and he felt that the first condition as written should be changed for it stated that the Planning Board grants the request for an advisory report, and he believed the intent was that they grant the waiver of an advisory report for a traffic engineer. There was Board discussion about how they would word the decision.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO CLOSE THE PUBLIC INFORMATIONAL HEARING FOR THE PAWCATUCK RETREAT MASTER PLAN MAJOR CLUSTER SUBDIVISION.

IN FAVOR: Prellwitz, Wayles, Bolek, Spencer

OPPOSED: None

SO VOTED

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK ON THE MASTER PLAN FOR THE PAWCATUCK RETREAT, AP 23, LOT 59, ALTON BRADFORD ROAD, RON RUDOLPH, APPLICANT.

Findings of Fact

The Planning Board finds the following issues of fact related to the application:

- The property is located in an RR-80 zoning district
- The property is designated as AP 23, Lot 59 with frontage on Alton Bradford Road
- The application for Master Plan was certified complete on October 10, 2023, and a decision on the Master Plan must be rendered by January 8, 2024 unless a later date is agreed to by the application and the Town
- The lot is currently undeveloped and partially wooded and contains a well house in the southeast portion of the lot
- The property is located within the Town of Hopkinton Groundwater and Wellhead Primary Protection Overlay Zone
- The property is located within the Non-Community Wellhead Protection Area per RIDEM
- The property is located within the Greenway Corridor per RIGIS
- The property contains approximately 2.13± acres of wetlands
- Site plans are prepared by Cherenzia & Associates, Ltd. and are signed by Mark Castellanos, PLS and Sergio Cherenzia, PE. Site plans are dated September 5, 2023, and contain sheets C-1 through C-11 and include a cover sheet
- The Planning Board finds that the cluster subdivision on less than ten acres is appropriate for this lots unique topographic and land features

Draft Conditions of Approval

1. The Planning Board grants the waiver of an advisory report from a traffic engineer and finds that the traffic generated by three housing lots does not warrant this level of review or detail.
2. The applicant will amend the site plans to properly identify what is currently labeled as a “driveway” as a “private road”.
3. The applicant will place the private road within one of the open space parcels and will remove all references to a “Subdivision Road Lot”.
4. The applicant will provide information related to the formation of a homeowner’s association which will be responsible for maintenance and ownership of the private road, open space parcels and shared recreational structure, well, waste water treatment, utilities and applicable interconnections.
5. The Planning Board grants a waiver of the requirement for a 100-foot buffer around the entire perimeter of the property based on the finding that the property abuts open space to the north and west and the Pawcatuck River to the south.

6. Access to the site and structures and private road comply with the police and fire department's expectations.

Draft Decision

Per Section 13.5-76.B, the Hopkinton Planning Board makes the following findings related to the application for the Master Plan application for a major cluster subdivision located at AP 23, Lots 59, Alton Bradford Road, known as the Pawcatuck Retreat:

1. The Planning Board finds that the proposed five lot subdivision, with three house lots and two open space lots is consistent with the goals and policies set forth in the Town's Comprehensive Plan as the project does not exceed the density set forth by the zoning district and approximately 4.6 acres of open space is being created.
2. The Planning Board finds that the proposed cluster subdivision is not inimical to the public health, safety and welfare of the community and that the repurposing of an existing building, the development of two new single-family homes, and the creation of 4.6 acres of open space is not contrary to the general public health, safety and welfare of the community.
3. The Planning Board finds that the proposed cluster development, which includes three single-family homes and approximately 4.6 acres of open space does not permanently injure the use of the site or the surrounding area and is consistent with the requirements of the zoning district.
4. As proposed as the Master Plan stage of review, the cluster subdivision does not appear to pose any significant negative environmental impacts. The Planning Board will continue to address this as the application progresses to Preliminary and Final review stages.
5. The applicant is proposing to create a private road for access to the proposed three new house lots and two open space lots. This private road provided adequate and permanent access to Alton Bradford Road, a public street.

IN FAVOR: Prellwitz, Wayles, Bolek, Spencer

OPPOSED: None

SO VOTED

Rules of Procedures Discussion – Technical Review Committee (TRC)

The Planning Board may discuss, consider and possibly vote on these rules of procedure at this meeting.

Mr. Wayles stated that what was interesting to him was that the Town Council allows for the Technical Review Committee, but the Planning Board had control. Ms. Sweet noted

that state law used to say that the Planning Board would appoint members but then for some unknown reason they struck the words Planning Board and inserted the word municipality. So, the conservative reading of that is that the Town Council is the municipality, not the Planning Board. In order to keep things basically as they were the Town Council is delegating the authority to the Planning Board. Mr. Wayles asked if the Town Council granted them this authority and Ms. Sweet indicated yes and added that the law still states that the Planning Board is to adopt written rules of procedure. Mr. Prellwitz worried that if volunteers were needed for this committee, it would put a lot of strain on volunteers. Ms. Bolek asked Mr. Prellwitz if he wished to remove a Planning Board member from this committee and he explained that he thought matters coming before the TRC would also come before the Planning Board; however, Ms. Sweet advised that this was not the case and there was a lot of things that would not come before the Planning Board under the new rules. Ms. Sweet explained that the administrative officer serves as the chair of the TRC and it would be their job to convene those meetings. Typically, there is a monthly TRC meeting which would occur while the technical staff are working, and they would constitute a majority of the TRC. The administrative officer will prepare an agenda if there are any applications to discuss. If there are no applications, the meeting would be cancelled for that month. The materials would be submitted to the TRC prior to the meeting and the applicant would be invited to attend this public meeting. Ms. Sweet also noted that the TRC can also review applications that will go before the Planning Board and provide the Board with a report with their findings. Mr. Prellwitz objected to having this TRC hold meetings during the day and having interested parties take time off of work to attend a meeting. Ms. Sweet felt they could assign people on a rotating basis or have a discussion to determine who may have the ability to attend and who could not be able to attend. It also states that they “may” include, so if no members of the Planning Board could serve there would be no member present. There was discussion on how many people needed to attend a meeting, which was three, but Ms. Sweet noted that they wanted as many people to attend as possible. The Town Council would choose a member of the public if one was to be on the committee and the engineer would be someone from Crossman Engineering or the town’s engineering firm. It was noted that the TRC was just advisory and did not have any decision-making authority. Ms. Bolek asked who would pay for the engineer to attend the meeting and Ms. Sweet believed they already charged any engineering review to the applicant, and this would not change. This was a function of peer review and Solicitor Levesque felt that these kinds of costs should also be factored into the application fees. Possibly the application fees should be increased. Mr. Wayles felt that since there was the word “may” they would only need three people present to function and Solicitor Levesque stated he was correct. There was discussion about having a Planning Board member appointed on a yearly basis. Solicitor Levesque advised that in other towns where he worked, someone from the Planning Board was designated and there was also an alternate chosen until someone suggested that they could not do it anymore and then somebody else would be appointed. Some people will never be able to attend and others may be able to attend all the time. Mr. Wayles stated that he did not have anything to add to the policies and procedures because he did not have enough experience with this. Mr. Kohlman asked if someone from the police department should be on the list of attendees. He saw the Fire Chief but nothing for the police and Mr. Prellwitz noted that it also suggested someone from the Conservation Commission, but that was an inactive board. Solicitor Levesque thought they were going to include the

police chief or his designee as a committee member but after discussion they decided not to include them. It was noted that this language was listed in the zoning section and Mr. Wayles was afraid that if they changed something in one section it would not be changed in the other. Ms. Sweet felt that they could reference the zoning section in the document and hopefully people would make the connection. Solicitor Levesque noted that if they amended one and not the other this would be ineffective so the zoning ordinance would also need to be amended. Ms. Sweet noted that there was a provision under (C) that allows the administrative officer to pull in additional people for this committee as they felt necessary.

Joe Moreau of Old Depot Road noted that this was very confusing, and the Board had spent a lot of time reviewing this. He agreed with Mr. Prellwitz regarding the volunteer position and was glad that they clarified this because there are so many inactive boards and commissions in the town due to lack of volunteers. He had believed the TRC to be made up of town employees. Mr. Moreau noted that people do not participate and do not know what is going on and some of the interpretations were that it could be a resident or a former member of the planning board or another board that is going to be working on the TRC and he was happy to hear that the town's engineering company would be involved.

Mr. Prellwitz asked about establishing the dates and times and Mr. Wayles believed that the TRC would establish the dates and times, not the Planning Board. Solicitor Levesque felt that it was up to the TRC to set the time of the meeting and having it in the evening would implicate a question of budgeting which was not part of this board's prerogative. He did believe that it was important to make sure the TRC meetings are scheduled so that their guidance was given to the administrative officer before the project came to her. He has seen it happen where the Planning Board receives a project and then they are waiting for TRC input, and they do not have it yet. That scheduling should keep in mind that the TRC should provide the administrative officer with their recommendation before the matter goes before the Planning Board. Mr. Prellwitz asked if the proposal was equipped with any type of enforcement and Solicitor Levesque responded that this was why they needed to have a solid set of procedures in place. If materials are not received sufficiently in advance of the meeting, then the Planning Board reserved the right to continue the project to the next regular meeting, so they have the opportunity to review the materials. That places the applicant in a position where they either demand a vote and it could be no because the Board did not have a chance to review everything, or they agree to the continuance. Mr. Kohlman was confused and said that some things now would not come before the Board and then it was said that the TRC would report to the Board. Ms. Sweet explained that applications that were previously coming to the Planning Board were not their jurisdiction anymore. The state changed that and made the permitting authority the administrative officer. Ms. Sweet explained what they would and would not be seeing in the future. The TRC serves two functions in that they assist the administrative officer with all of these applications that previously would have been before the Planning Board, and they can also serve the function of doing the technical review for the Planning Board for the things that they will see. Mr. Wayles noted on page 3, section 3, it should state that the Town Council choose the public member. Mr. Wayles read from page 5, that all materials submitted in addition to the complete application package must be filed in triplicate collated folded and digitally at least two

weeks prior to placement on a TRC agenda. He suggested that this should be the same language for items submitted to the Planning Board. Ms. Sweet noted that there was an order to things which were that an applicant would submit an application to her, and she would review it and certify it complete or incomplete. Then it went to the TRC and then it went to the Board. The TRC should not review an application that is not complete, and this should not affect the submission to the Planning Board. There was discussion concerning the time that these meetings should occur, and Solicitor Levesque commented that as written it was up to the TRC to decide when they will meet.

A MOTION WAS MADE BY MR. WAYLES AND SECONDED BY MS. BOLEK TO ADOPT THE TECHNICAL REVIEW COMMITTEE'S POLICIES AND PROCEDURES AS WRITTEN WITH THE AFOREMENTIONED MODIFICATIONS.

IN FAVOR: Prellwitz, Wayles, Bolek, Spencer

OPPOSED: None

SO VOTED

Rules of Procedures Discussion – Planning Board

The Planning Board may discuss, consider and possibly vote on these rules of procedure at this meeting.

Solicitor Levesque advised that he had provided the Board with two examples of rules of procedure that were adopted in jurisdictions where he has worked. He explained that the rules of procedure deal with how the Chair manages the meeting. All comments come through the Chair rather than having a dialogue amongst people in the crowd. This gives the Chair the ability to control the meeting better and set in stone how things will be received. The rules govern how the Board conducts its business so that people who want to participate know what to expect and everyone is held to the same standards each time. Ms. Bolek noted that she liked Smithfield's rules of procedure as well as Westerly's which stated that no materials will be accepted at the Planning Office after packets prepared for the members have been sent out. Solicitor Levesque and Ms. Sweet both indicated that this happens all the time, no matter what is written in the rules, but the best piece of defense is to have something in the policy that states that if they do not have it by a certain day then the Board reserves the right to continue the project to the next meeting so they have the opportunity to review those materials and make a decision that is informed. Mr. Wayles asked if they had to have the applicant's concurrence to change the vote-by-date. Solicitor Levesque advised that yes, of course, because it is a deadline set by statute; however, if he was an applicant and he had just given the Board materials that are out of time and they told him that they have not had the time to review them and inform themselves before making a decision, it would not be a wise decision on the applicant's part to say they wanted a decision right away. Mr. Wayles asked if he would have to reject this based on some merit and Ms. Sweet stated that they were rejecting it based on the fact that they did not have all of the relevant information available to them in a timely manner for them to review it and to act upon it. Solicitor Levesque asked the Board when their packets were usually ready to be picked up and Ms. Sweet believed it was usually a week before the meeting and the Board noted that it was the Wednesday before their Wednesday meeting. He felt that it was reasonable to state that if something

does not make the packet then they reserve the right to continue the meeting. Mr. Wayles noted that the rules stated that if they had to continue something it would be heard at the next meeting; however, sometimes that was not possible because that meeting agenda was already full. Solicitor Levesque noted that at that point they would have to pick their battles and he felt that the matter that they were continuing would take priority over something on the next agenda. Mr. Prellwitz felt that this rule would help them because it seemed like there were developers who liked to do this to them. He felt they should have all materials by the Tuesday before the packets were ready. Mr. Wayles wished to have a number stated because often they have to change the day of their meeting and eight days was suggested and agreed to. Mr. Wayles also noted that in the past a meeting had to be cancelled due to technological problems and the zoom function not working. He wondered if they could remove that language from the agenda and still hold a meeting if there was no internet or some other technological problem. Solicitor Levesque noted that he would look into that because there have been some changes to that statutory framework. IT Director Jeff Frenette inserted that they could not stream to YouTube without Zoom. Mr. Wayles noted their current agenda indicates that they will not entertain new applications after 10:15 p.m. It was decided that this would be changed to 10:00 p.m. Solicitor Levesque noted that this opened up the discussion on start time, noting the Board currently started their meetings at 7:00 p.m. Ms. Bolek was amenable with starting these meetings at 6:00 p.m., which was agreed to by the other members. Mr. Frenette stated that he wished to speak with the Town Manager about that and Ms. Sweet indicated that these rules were not being adopted tonight, they were deciding what would be in their rules and having a conversation. It was noted that they would like to take out the statement regarding emergency evacuation and health notification. There was discussion regarding the quorum of members needed to hold a meeting and Solicitor Levesque noted that it was a simple majority or three and if there were only three members present, a simple majority of those or two would be a winning vote. Mr. Wayles also discussed that in the past when a regular member was out, the senior alternate would vote and if there were two members out, both alternates would vote. Mr. Prellwitz felt that they could alternate back and forth between the alternate members to give them both an opportunity to participate. Mr. Wayles was worried about the tracking mechanism of whose turn it would be. Solicitor Levesque indicated that he had never seen it done that way, usually seniority dictates, but it was their choice. He also noted that they were now going to be dealing potentially with zoning relief such as a variance request or a special use permit, and those matters are usually quasi-judicial which makes it all the more important to make sure that voting members are designated in advance. Having seniority dictate versus having some rolling thing may make that easier to decide those matters. It was agreed by the Board that Edwin James would be the senior alternate. It was also noted that if there are four members present and voting and the vote is two and two, the motion would fail. Lastly, Ms. Bolek wished to receive a printed copy of anything that was emailed to them at the last minute. Mr. Wayles noted that during a prior project they had residents mail them letters and call members at home. Solicitor Levesque advised that often Board members do not know what to do when they get something in writing. He advised that they should bring it to the next meeting and identify that they received it because they do not want to be accused of deciding a project based on something that happened outside of an open meeting. If a member of the public contacts any of them and wants to talk about a project outside of the context of a public meeting, they should politely tell them that they are sorry, but they cannot talk to them

about that project because it is before the Board; they would have to come to a meeting to discuss this.

Planning Board Training Schedule

The Planning Board may discuss, consider and possibly vote on a training schedule at this meeting.

Ms. Sweet noted that she wished to go through the procedures with the Board. This could be held as a workshop discussion where she would review all of the new changes and procedures. Mr. Prellwitz asked if they should designate fifteen minutes at the end of every meeting during the Planner's report to go over these things. Ms. Sweet indicated that she would do this however they choose. Ms. Bolek liked the idea of fifteen minutes during the meeting, but Mr. Wayles questioned if this would be enough time. Mr. Spencer thought that an overview of the procedures would be helpful to him. Choosing a Saturday morning was discussed and Ms. Sweet added that there was no state requirement that they live stream their meetings. Mr. Prellwitz asked if they could hold this workshop on a Saturday with no live stream or Zoom and Solicitor Levesque advised that he would look into this further and get back to them at the next meeting. The Board chose January 27, 2024, at 9:00 a.m. in the Council Chambers to hold this workshop.

General Discussion of Planning Board Preferred Packet Materials

The Planning Board may discuss, consider and possibly vote on preferred packet materials at this meeting.

Ms. Sweet noted that this was on the agenda to determine how the members wished to receive their packets. She noted that sometimes members do not want paper and want everything electronically; some people want the big maps; some people want the 11"x17" maps; etc. She wished the Board to think about how they wished to receive the submissions. Solicitor Levesque noted that he did not wish any paper for it was wasted on him and he preferred everything electronically. Mr. Wayles noted that his biggest concern was what was available online. He wished all project information to be together in one location so he would not have to jump from meeting to meeting trying to find something previously submitted. Mr. Prellwitz noted that he preferred paper and Ms. Sweet stated that they did not all have to receive the packets the same way. The rest of the Board members present wished to continue receiving paper.

SOLICITOR'S REPORT:

None.

PLANNER'S REPORT:

None.

CORRESPONDENCE AND UPDATES:

None.

PUBLIC COMMENT

No one spoke during public forum.

DATE OF NEXT MEETING:

February 7, 2024 at 7:00 p.m. in the Council chambers and Saturday, January 27, 2024 at 9:00 a.m. for a workshop in the Council chambers.

ADJOURNMENT:

A MOTION WAS MADE BY CHRISTINA BOLEK AND SECONDED BY CECIL WAYLES TO ADJOURN.

SO VOTED

Marita D. Murray, CMC
Town Clerk