

**Ashland Planning Board Meeting
Minutes
June 4, 2014
Ashland Elementary School Library**

Members Present: Susan MacLeod, Cheryl Cox, Gordon McCormack Jr.,
Liz Cody, Fran Newton, Miriam Brown (alternate, non-voting)
Members Absent: Phil Preston (BOS alternate)
Others Present: Eli Badger, Steve Felton, Jane Felton, David Toth, Normand DeWolfe,
Kathleen DeWolfe, Tony Guyotte, Donald Lester, Brian Chalmers,
Craig Langton (Dollar General)

The meeting was called to order at 7:00 pm by Chairman MacLeod.

Disposition of Minutes

- Approval of the minutes for May 28, 2014, were deferred to the next meeting.

OLD BUSINESS

Case 2014-02: Dollar General Site Plan Review / Sign Mylar

Craig Langton presented the approved Dollar General plans/mylars which were signed by Susan MacLeod (Chair) and Gordon McCormack Jr. (Secretary). Mr. Langton also submitted the Registry of Deeds fee (cash) and the Chair signed a receipt. The Dollar General project will start about late August; Mr. Langton was reminded to contact the Electric Department and the Water Sewer Department.

Case 2013-02 Walsh Trust Condominumization: Status

There has been no additional progress.

Update on Heritage Commission Research

Susan MacLeod received an email from David Ruell indicating that he would contact the Chair of the Moultonborough Heritage Commission to arrange a joint meeting with the Historical Society and the Planning Board.

Adopt Master Plan Chapter 10: Implementation

The public hearing has been held on Chapter 10: Implementation and there have been no further comments from the Board of Selectmen.

- **A motion was made (Fran Newton) and seconded (Liz Cody) to approve *Master Plan Chapter 10: Implementation*. The vote was 5-0 in the affirmative (MacLeod, Cody, Cox, McCormack, Newton).**

Updating Applications, Checklists and Flowcharts

There were no comments regarding applications, checklists and flowcharts. Susan MacLeod suggested that members try filling out an application as a test to determine how user-friendly it is.

NEW BUSINESS

Case 2013-03 (ZBA Case 2013-06) Consideration of Site Plan Revocation

Susan MacLeod announced that the town received a fax and then a letter later this afternoon (6/4/2014) from Deanne Chrystal (Chrystal Law, PLLC), retained by Northern Lakes Veterinary Hospital and Dr. Donald Lester to pursue legal action against the Town of Ashland and the Planning Board members regarding “an on-going issue with the Town of Ashland and the expansion of the NLVH.” The Chair read the letter to the Board and public.

Chair MacLeod excused herself from the Board table (7:15 pm) and Vice Chair Cheryl Cox assumed temporary direction of the meeting.

Fran Newton stated that given that this action came out of left field, that some of the members were just notified this moment, and considering that the Board members are all being named in a potential lawsuit, she suggested that the Board have time to consult with an attorney before the Board takes any more actions in this case. The Board can hold a special meeting to vote on the issue on the agenda. The Board members have the right to consult with the town attorney so they know what kind of legal standing they have. It is unfair for the Board members to proceed when they have just been notified about this potential action, when they don't have any kind of legal advice and they are all potentially named in this lawsuit. She indicated that she was not comfortable in the Board discussing this any further.

- **A motion was made (Liz Cody) and seconded (Gordon McCormack Jr.) to turn the matter over to the town attorney. The vote was 4-Yes (Cody, Cox, McCormack, Newton) and 0-No. The motion was approved in the affirmative.**

It was the consensus of the Board members that they hold another meeting as soon as possible to get legal advice and continue to discuss this after the attorney has ample opportunity to review the facts and discuss the matter with the Board.

Susan MacLeod returned to the Board table (7:20 pm) and resumed as Chair of the meeting.

Dr. Lester, Mr. Guyotte and Mr. Chalmers left the meeting.

Update on Land Use Review Committee

There has not been a second meeting, yet, of the Land Use Review Committee. It was asked if there were minutes available of the first meeting. Susan MacLeod will check with Mr. Branscombe regarding minutes and scheduling a second meeting.

A recent question may provide a good example of an issue that might be taken up by the LURC. Mr. Rick Burgess asked if a property that the Plymouth Guaranty Savings Bank is marketing might be converted to residential use on the first floor instead of commercial use.

Ashland does not specifically prohibit first floor apartments in the commercial zone, but it does require that off street parking be provided for any added apartment . Eli Badger listed several Main Street properties (former Lisa's Personal Training, apartment house next door, former Reeve dental office, beauty parlor, and 17-19 Main Street) which have had first-floor commercial and residential uses at various times. Changes would have to go through site plan review.

The Master Plan mentions mixed use on the second floors in the commercial zone; specific wording should be checked. The MP provides guidance for creating zoning or regulations for the town.

Update on Economic Development Committee

Cheryl Cox presented an update on the Economic Development Committee. She, Steve Felton and Susan MacLeod met recently to begin identifying people (business owners and residents) who might be interested in being on the committee. The first meeting is being planned for the week of June 23.

At a recent meeting of the Community Center Board, Cheryl Cox asked other members of the Board for suggestions of businesses to attract to Ashland. Understanding the process of identifying potential businesses and understanding criteria that businesses use for evaluating potential markets and sites would be a good learning exercise for the EDC.

OTHER BUSINESS

Liz Cody identified several concerns that Leavitt Hill residents have about the impact that Barry Gaw's development is having on the road. Concerns include the delayed paving of the road, the placement of fire hydrants below road level, the hazardous pipes that are sticking up above road level, the use of roadside materials that will prevent re-growth of native vegetation, and the construction trucks using the Leavitt Hill entrance, rather than the River Street entrance to the development.

The consultant (through the escrow account) has signed off on the underground installation. The \$550,000 bond will not be released until all work is complete as specified. The appropriate departments will be responsible for inspection and testing of the technical aspects and they will

be reminded to verify that all is done correctly, but the aesthetic issues do not fall under any engineering or technical requirements. Susan MacLeod will check on the access issue.

CORRESPONDENCE

Susan MacLeod will be meeting with the town attorney regarding the McBournie/Bell issue, on June 10 at 8:30 am. Mr. Mitchell has indicated that when the town receives official notification from the court that the issue is on the docket, all aspects are frozen in time.

The LRPC annual meeting is on June 16, at Church Landing in Meredith. Members who are interested in going should RSVP by June 6.

The meeting was adjourned at 8:06 pm.

Minutes submitted by Mar dean Badger