Rowe Planning Board
April 13, 2022
6:00 P.M.

Planning Board: Chair Paul McLatchy III, Vice-Chair Ben Werner, Daniel Burke, Charles Sokol
Absent: Jessica Albrecht
Audience of Citizens: None

Approved Motion Summary:
(discussion details and vote records in minutes below)

- Approve the minutes of February 8th and the minutes of March 23th as presented
- Adjourn the Planning Board meeting at 7:28 P.M.

Meeting Minutes:

Call to Order: Chair McLatchy III called the Planning Board meeting to order at 6:05 P.M., a quorum of the committee present. Daniel Burke was absent at this time

Minutes of February 8th and March 23th:

A motion was made by Ben Werner and seconded by Paul McLatchy III to approve the minutes of February 8th and the minutes of March 23th as presented, correcting the date on the first page to accurately reflect the date of the meeting.

Paul McLatchy III	-	Yes
Ben Werner	-	Yes
Daniel Burke	-	Absent
Jessica Albrecht	-	Absent
Charles Sokol	-	Yes

Discussion regarding March 23rd Public Hearing: The group discussed the impressions of each member regarding the public hearing held on March 23rd. Paul McLatchy III mentioned that any proposed bylaw change that was presented at a town meeting that failed could not be brought to a town meeting vote for two years.

Section 20: Charles Sokol, reflecting on the concerns raised by the citizen commenters during the public hearing, noted that the notice requirements as outlined by the proposed version of Section 20 may not result in a broad enough pool of recipients as some landowners in town own several adjacent lots, and if such a landowner requested a special permit for a lot surrounded by others owned by that applicant, the neighbors to that landowner may not fall under the criteria mandated by the notice requirements as outlined in state law.

Paul McLatchy noted that other requirements beyond the state minimums could be added to the proposed Section 20, such as a larger radius than the 300 feet mention in state law, or perhaps posting on the town website. The Rowe Goal Post was mentioned as a potential notification avenue, although Paul McLatchy noted that the Goal Post, while likely the most reliable way to get information to every person in town, may not be as reliable a notification mechanism at some future date as it depends on an appointed editor able and interested in producing and distributing the publication, and that such a person may not always be available.

Daniel Burke arrived via remote participation at 6:15

The group recapitulated the discussion on the proposed changes to Article 20 for Daniel Burke's benefit.

Paul McLatchy suggested that additional notification could always be provided even if such notification is not required by bylaw.

Daniel Burke suggested that he felt such additional notification would be the right thing to do, but that such additional notification should not be required by bylaw. Charles Sokol agreed that perhaps the best choice would be to follow state lay and then to opt to provide additional notification as prudent, but not be subject to invalidated hearings by failing to meet any extended notification requirements. Ben Werner said he was fine following the state law, but suggested adding language encouraging additional notification "as practical," which may provide additional notification encouragement without tying the hands of the planning board.

Paul McLatchy asked for the feelings of the board as to if there should be any other notification requirements beyond those mandated by the state. All board members agreed that the state requirements were sufficient.

Daniel Burke, recalling a comment during the public hearing, asked what kinds of notification were appropriate for special permit applications related to uses on town land. Charles Sokol noted that the use table in Section 2 allowed municipal uses by right in all zones, meaning no special permit would be required for a municipal project. Daniel Burke countered that section 20 was related to all notices, not just special permit notices. Charles Sokol noted that the only notices related to planning board activities were for Special Permit reviews, Zoning Bylaw reviews, and Tree Hearings. Ben Werner suggested that any such circumstances are so hypothetical that adding a clause requiring notices related to projects on town-owned land be mailed to everyone in town. Paul McLatchy noted that the Attorney General may not approve a bylaw that stipulated different notification requirements depending on which party the notification were in relation to. Charles Sokol suggested there almost certainly must discussion at an annual town meeting for projects occurring on town land. Paul McLatchy suggested if a grant were awarded that would cover all costs associated with a hypothetical project then there would not necessarily need to be a town meeting discussion article for that project. Charles Sokol suggested that the board request guidance from counsel as to whether more stringent rules regarding notice could be applied to the town than to others. Daniel Burke said he felt it would be inappropriate to separate notice requirements based on the parties in question. Paul McLatchy suggested that a policy of the Planning Board requiring

providing universal notice to town residents for public projects, as opposed to a Zoning Bylaw, may be the best solution. The rest of the board agreed.

Daniel Burke then raised a question as to whether the state mandated notice radius of 300 feet would be enough. As before, Paul McLatchy noted that other requirements beyond the state minimums could be added to the proposed Section 20, such as a larger radius than the 300 feet mention in state law. Ben Werner opined that if the intention is to make a good faith effort to notify the public, then the best option would be to post notice on the town website and the Goal Post newsletter. Paul McLatchy wanted to make it clear that the reason the board is considering proposing these changes is not to reduce transparency by limiting the mandated notice requirements, but rather to simply the notification process and reduce the risk of errors. Charles Sokol felt that sticking with the state law was most appropriate, with additional notification being sent when deemed prudent by the board.

Daniel Burke asked what the value is in specifically referencing the state laws in town bylaws if the board would be bound by state law regardless. Paul McLatchy suggested having reference in town bylaw to the applicable state statue would be helpful to current and future planning boards for reference, and Charles Sokol suggested it would be more palatable to suggest to the town that we propose changing the town bylaws to follow state law, as opposed to eliminating the bylaw requiring notice, even though both would have the same practical effect.

Charles Sokol also noted that the proposed bylaw language, which references Chapter 40A Section 11, which relates to Special Permit hearing notices, left out reference to Chapter 40A Section 5, which relates to Zoning Bylaw public hearings, and Chapter 40 Section 15C, which relates to Tree Hearings.

Section 10: Charles Sokol_expressed support on moving forward with the proposed removal of Section 10, and that although he felt the proposed removal of Section 10 was the right thing to do, a failure to approve that change would likely not have any impact on anyone in town as it is unclear if there are any instances of anyone who may wish to cohabitate with more than four unrelated people.

Daniel Burke felt that Section 10 should not be removed as he felt such removal may have unexpected consequences.

Paul McLatchy agreed that Section 10 is not being actively enforced, and felt that it was dubious that there would be a bylaw that isn't being actively enforced. He personally felt it would be inappropriate to tell people how to live their lives, but is also concerned that people could abuse a more lenient regulation. He lamented the difficulty of balancing the concerns expressed by those in the public hearing of limiting abuse, while not unduly burdening good-faith individuals who are trying to peacefully co-exist with their neighbors.

Ben Werner expressed that he felt the core of Section 10 is discriminatory.

Charles Sokol suggested that if there was concern about halfway houses or other similar group housing occurring if Section 10 were to be removed then that use could be specifically disallowed

in Section 2. Ben Werner noted that Section 2 as currently written requires that any use that could be interpreted in more than one way must be considered to be the more restrictive use as far as permitting is concerned.

Section 18: Paul McLatchy noted that despite Paul Graziano's suggestion during the public hearing that there could be a mechanism compelling the planning board to take action on a special permit application necessarily triggering the beginning of the statutory timeline that nothing can specifically compel a board to take (or not take) any specific action: the only recourse to a derelict board is through the recall process. Charles Sokol agreed that the proposed changes were prudent.

Section 2: Ben Werner suggested we reach out to Paul Graziano regarding Zoning Districts, which may affect the way the board approaches potential changes to Section 2. Charles Sokol suggested holding off on the currently proposed changes to Section 2 until the group deliberates further on this section after receiving additional information from Paul Graziano.

Adjourn:

A motion was made by Charles Sokol and seconded by Ben Werner to adjourn the Planning Board meeting at 7:28 P.M.

Paul McLatchy III	-	Yes
Ben Werner	-	Yes
Daniel Burke	-	Yes
Jessica Albrecht	-	Absent
Charles Sokol	-	Yes

Respectfully Submitted,
Charles Sokol, Secretary

Approved: 5 / 17 / 2022

Chair Paul McLatchy III

Vice-Chair Ben Werner

Daniel Burke

Jessica Albrecht

Charles Sokol

Attachments:

- Agenda