



Mason Planning Board

January 07, 2015

Approved

Attending

Mark McDonald (Acting Chair), Louise Lavoie (Ex-O), Dotsie Millbrandt, Eric Anderson, Linda Cotter-Cranston, Kerrie Diers (NRPC)

Absent

Lee Ann Currier, Pam Lassen

Call to order

7:35 PM

Next Meeting

January 28, 2015

Old Business

The board voted to approve the minutes of November 19, 2014.

New Business

- Planning board report for the Mason Town Report is due.
- NRPC is holding an informational session on the NH Site Evaluation Committee (SEC) process for approving projects such as a gas pipeline. It will be held at the Milford Town Hall on January 14 at 7 pm.

Pipeline Discussion

Mark summarized a phone conversation he had with Town Attorney Bill Drescher asking for advice about what steps we can take about the proposed pipeline. Highlights of Attorney Drescher's advice:

- Any new or amended ordinances would have little effect on the proposed pipeline installation, and could actually introduce harm if rushed in without careful review.
- New ordinances must have a legitimate public purpose for controlling people's property.

- Take more time to review the ordinances and schedule a special town meeting if necessary.
- A bill may be introduced to the state legislature to the effect that a construction project can't pass through a conservation easement that is established by a charitable trust, because it violates the charitable trust by using land in a manner that the grantor did not intend.
- The town can contact the Exeter law firm of Donahue, Tucker, and Ciandella. Rob Ciandella can help our town "climb on the bandwagon" and join voices with other towns that are already working with their law firm. He suggests starting by inviting Rob Ciandella to a board meeting. Mr. Drescher will call Rob Ciandella if the Selectmen authorize him to do so.
- Citizens can petition the selectmen to include a non-binding resolution (per RSA 39:3) in the town report for vote at town meeting. Such a petition would be due on or before February 2nd to meet the requirement of submitting before the fifth Tuesday before our town meeting.
- The most effective means of influence will be to rally the state government.

RSA 674:23 allows you a one-year moratorium on building permits and subdivision approvals to study a proposal, if recommended by the planning board. The intent of the RSA is to allow a town time to adapt to an increase in proposals for new buildings and subdivisions. It does not seem to be directly applicable to the pipeline proposal.

The pipeline project approval process: KM first applies to FERC. If approved, KM applies to the NH Site Evaluation Committee. Approval from the SEC preempts local ordinances. In the past year, the SEC application procedure has been revised, allowing a public input phase.

We can present our concerns to the SEC, on aquifer protection for example, even if Mason does not yet have an aquifer protection ordinance approved yet.

The Amherst Aquifer Conservation and Wellhead Protection District Ordinance establishes an overlay district. It appears well written and not too hard to adapt for Mason. As printed copies weren't available, Dotsie read portions of it. The board, conservation committee members and others commented.

The board is interested in pursuing this. It may be wise to not rush this, but to prepare it for a special town meeting. Can a special meeting be scheduled for May? The Selectmen have to recommend it. The town may need permission from the state.

The board is not intending to pursue a moratorium per RSA 674:23 at this time, as the pipeline project would not be subject to the moratorium.

Mark makes a motion to form a subcommittee of Dotsie Millbrandt, Bob Dilberger, Bob Larochelle and Liz Fletcher to work on adapting the Amherst Aquifer Ordinance and a few examples of Light Ordinances, such as Wilton and Brookline. Louise seconds. All vote in favor. Kerrie Diers also recommends looking in the Innovative Land Use guide for lighting control recommendations ("Dark Skies").

Adjourn

Mark makes a motion to adjourn. Louise seconds. Motion carries unanimously. Meeting is adjourned at 9:34 PM.