

**Ashland Planning Board
Meeting Minutes
Wednesday, May 22, 2024**

CALL TO ORDER: Mardean Badger, Chair, called the meeting to order at 6:30 PM.

MEMBERS PRESENT: Mardean Badger, Chair
Kathleen DeWolfe
Kendall Hughes
Paula Hancock
Chris Janosa
Tricia Farris (alternate)

OTHERS PRESENT: Linda Barnes
Andy Fitch

DISPOSITION OF MINUTES

The Board reviewed the minutes from the May 1, 2024, meeting. Kathleen DeWolfe made a motion to accept the minutes as presented. Paula Hancock seconded the motion. The motion passed on a 4 yes (Badger, DeWolfe, Hancock, Hughes) 0 no votes and one abstention (Chris Janosa)

REVIEW PROCEDURE FOR SALE OF TOWN PROPERTY

The Board reviewed the Procedure for the Sale of Town Property.

On March 12, 2013, Ashland voters passed the following warrant article:

- **Article 14:** To see if the Town will adopt the provisions of RSA:41-14-a authorizing the Selectmen to acquire or sell land and buildings or both after first submitting to the Planning Board and Conservation Commission for review and recommendation and holding two public hearings on the proposed transaction. This authority shall not apply where 50 or more voters petition the Selectmen to place the proposed transaction on the warrant, nor shall it authorize the Selectmen to sell Town owned conservation land which is managed and controlled by the Conservation Commission, any part of a town forest, or any real estate given to the Town for charitable or community purposes.

The Basic Process Required by the RSA

- The Board of Selectmen submits proposed list of sales, acquisitions, etc. to planning board, conservation commission, heritage commission, historic district commission for review and recommendations.
- Board of Selectmen receives recommendations from those bodies
- The Board of Selectmen holds two public hearings – at least 10 but not more than 14 days apart.
- The Board of Selectmen votes no sooner than 7 days nor later than 14 days after the second public hearing.

The Planning Board will review each property to be sold

- How is the property described?
- What zone and overlay district is the property in?

- Are there any pending land use applications, actions or restrictions on that property?
- Are there any known environmental or conservation issues on the property? (In the absence of a conservation commission)

The Planning Board will communicate information and recommendations in writing to the Board of Selectmen in a timely manner.

Andy Fitch, Chair of the BOS, indicated that the BOS is working on a list of properties to be considered for sale. The Planning Board will review each property on the list and send recommendations in writing in a timely and efficient manner to the Board of Selectmen.

The Planning Board has previously used this process in consideration of the sale of a piece of land-locked property located between the Mill Pond property and 14 Winter Street property which was found to be owned by the Town of Ashland. The minutes from the July 22, 2020, Planning Board meeting document the process that was used and the decision of the Planning Board to recommend the sale of the property.

REVIEW OF SUBDIVISION REGULATIONS

A request has been sent to the town’s legal counsel to review the Subdivision Regulations for any conflicts with current legal requirements.

The Board reviewed Article 5 of the current Subdivision Regulations with the intent to update the regulations.

The following recommendations were made:

- Create a checklist of requirements for the Subdivision Regulation Application. The Site Plan Review Checklist will be used as a model. Trish Farris offered to create the draft checklist.
- The definition of an abutter (property owner that adjoins the property under review; lives across the street from the property or is located across a brook, stream or river from the property) will be added to section 5.4b.
- There will be no changes in Article 5.4c-5.4L at this time. The requirements will be the basis of the new checklist.
- Notification of abutters and residents the town website, at the post office and the Town Office will be added to section 5.5.
- Article 5.5f will be amended to indicate that the decision has to include facts and reasons for approving, denying, or a conditional approval of an application.
- The Subdivision Regulations Application will need further review at a later date
- Review of Subdivision Regulation fees will need further review at a later date

CLUSTER DEVELOPMENT (SUBDIVISION REGULATIONS)

The Board reviewed Article 2.6e of the Subdivision Regulations ~~of the~~ which refers to Cluster Development regulations dealing with setbacks. Setbacks for individual lots in a Cluster Development must comply with the setback regulations in the Zoning Ordinance. Applicants will need to go to the ZBA for a waiver from lot setbacks, until there is any change in the language in the Zoning Ordinance.

After discussion, the Board by consensus agreed to leave the language in 2.6e as it is for now. Further discussion may be needed to propose language changes in the Zoning Ordinance to allow relaxation of setbacks in cluster developments.

ADJOURNMENT

The meeting adjourned at 7:35 PM. The next meeting of the Planning Board will be Wednesday, June 5, 2024, at 6:30 PM at 6 Collins Street.

Minutes submitted by Paula Hancock

Attachment: Handout re: Process for Sale of Town Property

Sale of Town Property

**Official Ballot, Annual Town Election,
Ashland, New Hampshire,
March 12, 2013**



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41:14-a Acquisition or Sale of Land, Buildings, or Both; Demolition or Disposal of Buildings. -

I. If adopted in accordance with RSA 41:14-c, the select board shall have the authority to acquire or sell land, buildings, or both, and to demolish or otherwise dispose of buildings, provided, however, they shall first submit any such proposed acquisition, sale, demolition, or disposal to the planning board, the conservation commission, the heritage commission, and the historic district commission if the building lies within a defined district for review and recommendation by those bodies, where such board or commissions exist. After the select board receives the recommendation of the planning board, the conservation commission, the heritage commission, and the historic district commission if the building lies within a defined district, where such board or commissions exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed acquisition, sale, demolition, or disposal; provided, however, upon the written petition of 50 registered voters presented to the select board, prior to the select board's vote, according to the provisions of RSA 39:3, the proposed acquisition, sale, demolition, or disposal shall be inserted as an article in the warrant for the town meeting. The select board's vote shall take place no sooner

than 7 days nor later than 14 days after the second public hearing which is held.

II. The provisions of this section shall not apply to the sale of and the selectmen shall have no authority to sell:

(a) Town-owned conservation land which is managed and controlled by the conservation commission under the provisions of RSA 36-A.

(b) Any part of a town forest established under RSA 31:110 and managed under RSA 31:112.

(c) Any real estate that has been given, devised, or bequeathed to the town for charitable or community purposes except as provided in RSA 498:4-a or RSA 547:3-d.

III. The provisions of this section shall not apply to the demolition or disposal of, and the select board shall have no authority to demolish or dispose of, any real estate that has been given, devised, or bequeathed to the town for charitable or community purposes except as provided in RSA 498:4-a or RSA 547:3-d.

Source. 1994, 197:3. 1997, 38:1. 2001, 187:2. 2005, 80:1. 2007, 221:2. 2008, 109:1, eff. July 27, 2008. 2021, 184:1-3, eff. Oct. 9, 2021.

BASIC PROCESS REQUIRED BY THE RSA

1. BOS submits proposed list of sales, acquisitions, etc. to planning board, conservation commission, heritage commission, historic district commission for review and recommendation.
2. BOS receives recommendation from those bodies.
3. BOS holds 2 public hearings – at least 10 but not more than 14 days apart.
4. BOS votes no sooner than 7 days nor later than 14 days after the second public hearing.

ASHLAND PLANNING BOARD RESPONSIBILITIES

- **The Planning Board will review each property to be sold.**
 - How is the property described?
 - What zone and overlay district is the property in?
 - Are there any pending land use applications, actions or restrictions on that property?
 - Are there any known environmental or conservation issues on the property? [*in the absence of a Conservation Commission*]
- **The Planning Board will communicate information and recommendations in writing to the BOS in a timely manner.**