

TOWN OF CENTER HARBOR  
PLANNING BOARD  
Hearing  
Tuesday, November 17, 2020  
(Final minutes with amendments per the 12/01/2020 meeting)

**Due to the COVID-19, this meeting was conducted via Zoom. Participants, which included the public, could join the meeting through video web or by telephone. All documents pertaining to this meeting were sent electronically to Board members and the same files were posted on the Website under the meeting announcement on the PB Calendar for public access.**

The Chairman called the meeting to order at 6:00 P.M. Mr. Hanson announced that the meeting was being recorded and provided the protocol of the meeting (that document is contained in this set of Minutes). Mr. Hanson asked Bill Ricciardi to do the Roll Call of the PB Members/Alternate Members.

**Roll Call: Chairman, Charles Hanson, in attendance with no one else in the room  
Vice Chair, Peter Loudon, in attendance with no one else in the room  
Secretary, Bill Ricciardi, in attendance with no one else in the room  
Selectmen's Rep, Harry Viens, in attendance with no one else in the room  
Member, Kelli Kemery, in attendance with no one else in the room  
Member, Rachel Xavier, in attendance with no one else in the room  
Member, Mark Hildebrand, in attendance with no one else in the room  
Alternate Member, David Nelson, in attendance with no one else in the room  
Alternate Member, Ken Ballance, in attendance with no one else in the room**

**Due to our clerk having to recuse herself, Kelli Kemery has been appointed clerk Pro Tem for this matter.**

**All votes will be by Roll Call. Voting members are: Charles Hanson, Peter Loudon, Harry Viens, Bill Ricciardi, Kelli Kemery, Rachel Xavier, and Mark Hildebrand.**

**I. Minutes:**

Bill Ricciardi motioned to approve the Minutes of November 10, 2020 as read. Harry Viens seconded the motion. Charley Hanson said he believes that there are a number of instances where Mr. Rokeh kept referring to the cul-de-sac and he meant to say the hammerhead in the Minutes. Mr. Hanson asked if anyone else picked that up. Mr. Hanson suggested that they go back through and review that and correct that. Atty. Chris Boldt suggested that if that is a concern they simply table the Minutes until the next meeting so that the Board is confident that the Minutes correctly reflects what it supposed to. If somebody needs to call Mr. Rokeh to confirm that can easily happen. Atty. Boldt said that they don't have to approve the Minutes tonight. Peter Loudon made a motion to table the Minutes. Bill Ricciardi seconded the motion. Roll Call: Rachel Xavier-Yes, Mark Hildebrand-Aye, Peter Loudon-Aye, Harry

Viens-Aye, Kelli Kemery-Aye, Charles Hanson-Yes, and Bill Ricciardi-Yes. The vote was unanimously in favor.

**II. HEARING – AMENDMENT TO SUBDIVISION AND BOUNDARY LINE ADJUSTMENT BETWEEN EDWIN KLINE JR. TAX MAP 212 LOT 32 AND J. CONOR AND AMANDA HAYES TAX MAP 212 LOT 30 CASE 2020-05-05 CONTINUED.**

Mr. Hanson started the hearing by saying first and foremost that the Board has gotten a significant amount of correspondence in the last forty-eight hours. They have received letters from Atty. Taussig, Atty. Fitzgerald and Town Engineer Jim Bouchard, and they have gotten opinions from our Fire Chief, two emails regarding the cul-de-sac and the hammerhead. Mr. Hanson thought that they should start by discussing the issue of the waiver request to the hydro study because Town Engineer Jim Bouchard did comment on that in his letter to the Planning Board. Mr. Hanson said that he would open it open too any folks who have questions or comments at this point. Mr. Hanson said if not they would just start discussing it.

Mr. Hanson said that the consideration was a waiver request from the Klines. Mr. Hanson said that everybody has had a chance to read what Jim Bouchard's opinion was. He asked if anyone had any thoughts on this. Peter Loudon said from what he can tell from the letter that they received from Mr. Bouchard and what they have been discussing he doesn't have a problem granting them that waiver. Harry Viens said that he feels the same way. Relying on the engineer's recommendation that the hydrology is going to stay, he same he doesn't see any reason to get hung up on this. He would just a soon grant the waiver and move onto the next issue. Peter Loudon motioned to grant the waiver and Harry Viens seconded the motion. Mr. Hanson asked if there was any other discussing about the waiver. Atty. Boldt said that they want to be clear about what waiver you are granting. It is the waiver for the hydrological study. Peter Loudon said that he would clarify his motion to the hydraulic study. Mr. Viens clarified his second. Roll Call: Rachel Xavier-Yes, Mark Hildebrand-Yes, Peter Loudon-Aye, Harry Viens-Aye, Kelli Kemery-Aye, Charley Hanson-Yes, and Bill Ricciardi-Yes. The vote was unanimously in favor.

Mr. Hanson asked the Board members if they had any items in terms of conditions that they would like to bring up at this time; things that were not brought up last time.

Mr. Hanson said he thought about this over the weekend and put together a draft motion that he thought he wanted to share with the Board. Mr. Hanson said that he is going to move to approve the Nov. 6, 2020 version of the Kline Road Plan with the following terms and conditions:

1. The Boundary Line Adjustment approved earlier on May 19, 2020 with the Nason/Hayes property must be completed per the conditions set at that meeting and the deed recorded at the Registry of Deeds contemporaneously with the recording by the Town of the Mylar for this amended subdivision plan.
2. All necessary approvals from New Hampshire DES must be obtained and tendered to the Town within, (Mr. Hanson said that he wasn't sure of how many) months of the date of this approval, and before the Mylar for this plan is signed.

3. All plan amendments called for by the Town Engineer are made before the Mylar for this plan is signed. Mr. Hanson said that he thought they could list those out based on the latest report.
4. The construction of the cul-de-sac originally approved needs to be completed as configured on the original plans within “x” number of months of the date of this approval, regardless of when DES gives approval from the down slope wetlands impacts for this road.
5. A bond in the amount of two hundred forty-three thousand dollars (\$243,000), which came from the engineer’s latest updated report, for all future road construction to be from the date of this approval in a form to be approved by the Planning Board and the Town Attorney and before the Mylar for this plan is signed.
6. All costs incurred by the Town to date for the engineering fees associated with the review of this proposal must be paid in full before the Mylar for this plan is signed.
7. The developer has indicated that at this time no further development of Lot 9 will be taking place. Any proposed future subdivision must come before the Center Harbor Planning Board for subdivision review which may be limited due to the substandard nature of this roadway being approved to provide access to Lots 8 and 9.

Mr. Hanson said that is his motion so far. Mr. Loudon asked if they would discuss this. Mr. Hanson said that they can discuss this. He said that he wanted to take what he heard at the last meeting and a couple of other things that he thought of in between and just get it out there for everybody’s consideration. Mr. Loudon said that he is good with it. He likes it. Mr. Loudon said that it sums up what they have been talking about, and it hits all of the high points that he can tell. Bill Ricciardi said that he concurs. Mr. Ricciardi said that he agrees with Mr. Hanson and Mr. Loudon. This has been extremely difficult to weed whack our way through to get to the meat of the matter to make this work for everybody. Mr. Ricciardi said that this seems to cover most of the high lights to him. Mr. Loudon said that if there is no discussion, he will second the motion. Mr. Hanson asked Mr. Loudon to hold on for a second; he has a question from Carl Johnson, then he has a comment from our attorney.

Carl Johnson, on behalf of the Klines, said he had a couple of questions. Number 3, regarding the changes to the engineering plan being added to the Mylar. Mr. Johnson said that the Registry of Deeds really discourages engineering plans to be filed. The Mylar that would be filed would be the Boundary Line Adjustment Plan that was approved by the Board and would have all the notes that were required to be on that plan. Typically engineering plans are stamped and signed by the engineer and are on file with the Town. It is not normal that Mylars are made of the engineering plans. Mr. Johnson said that was just a point of information.

Mr. Hanson asked Atty. Boldt if he wanted to respond to that. Atty. Boldt said in short he agrees with Mr. Johnson. Only one sheet will be filed, but he believes the intent is that you want what Jim Bouchard’s most recent report has caught; a couple of minor things. One example is because you have removed the need for the retaining wall that the detail on one of the later plan sheets doesn’t need that any more. It is to fix all the dribs and drabs of all of the various sheets so that the final set before the Mylar goes to the Registry is at the Town

Hall so that everyone knows what has been approved. Atty. Boldt told Mr. Johnson that if he hasn't seen that letter, it is fairly open and obvious what those things would be; nothing major beyond that. Mr. Johnson said that they were going to have some time for that.

Mr. Johnson said that his second question. The DES approval should probably be subject to six months. That is just the ways things are going with DES right now. Mr. Johnson said that he doesn't think that is an unreasonable amount of time to get a wetlands approval. Mr. Hanson asked Mr. Johnson if, for the purposes of the motion, six months is appropriate. Mr. Johnson said that he would think so. Mr. Johnson said in addition to that comment there might be some slight modifications to the plan as a result of the DES approval. Mr. Johnson requested that the Board allow those minor changes be made if necessary as part of the approval process if they don't significantly affect the functionality of the roadway that they have presented. Mr. Hanson asked Mr. Ricciardi if he had a comment on that. Mr. Ricciardi said that "minor changes" seems a little vague to him. Mr. Ricciardi asked Mr. Johnson to repeat the phrasing of what he just said because it is hard for us to approve something that might change in the future. Mr. Johnson said that it practically never happens that you submit a plan to DES and they approve it as submitted. They often have minor changes. There may be a change to how they request the dispersion out of a culvert. Things of that nature that meet with their regulations; regulations that the Town doesn't normally have. Mr. Johnson said that he doesn't think that DES would be less restrictive than the Town. Mr. Johnson thinks that DES would be more restrictive than the Town. Those are the types of changes that Mr. Johnson hopes can be accommodated without having to come back before the Board. Atty. Boldt said that he agrees with Mr. Johnson. Atty. Boldt said that sometimes very minor changes to occur at DES. Atty. Boldt suggested that the motion reflect that those minor changes would be brought back by Mr. Johnson to Mr. Hanson, and so long as they are minor, that would be called a ministerial confirmation; if Mr. Hanson felt that it was much larger than he anticipated then he could call that this has to come back to the Planning Board. Atty. Boldt said that hopefully that is not going to be an issue.

Mr. Hanson asked if in order to make this more fluid for the applicant, would it be more appropriate, because we have a new Code Enforcement Officer David Driscoll, to have those minor changes go through him. If he same something he could bring it to the Planning Board. Atty. Boldt agreed, but he said he would like the two of you (Mr. Hanson and Mr. Driscoll) on it. Mr. Driscoll would do the technical side and Mr. Hanson would do, for want of a better phrase, the political side; so if it is truly minor it is truly minor.

Mr. Hanson said that basically they would add language to #2 that says, "Minor changes made during the DES approval process would be approved by the Code Enforcement Officer and the Chairman of the Planning Board." Atty. Boldt said that it should be "would be reviewed by the Code Enforce Officer and the Planning Board Chair to confirm minor status. Any major revisions would have to come back to the Planning Board." Atty. Boldt said that a major change to him is they don't like the hammerhead and they require a cul-de-sac for some reason. Atty. Boldt said that he doubts they ever would but that is something that hasn't been discussed by the Board. If they require another culvert somewhere going onto a different lot than what is currently there. Atty. Boldt said that he was just trying to give them

some examples of a major change. Atty. Boldt asked Mr. Johnson is he had anything to throw into the mix; a truly ministerial change is going a half of a degree to the left. Mr. Hanson asked if it was something like going from rip rap out of a culvert to a grassy swale, that might be an example of a minor change because that sort of the trend DES is going in, getting away from stone. Mr. Johnson said that was correct. Atty. Boldt said that putting a major drainage structure in, might be a major change. Peter Loudon said that he is comfortable with that wording. Mr. Johnson said that this is good discussion and he agrees with all of it in terms of the potential changes.

Mr. Johnson said that he had a question regarding #4 and was wondering, for his benefit, if Mr. Hanson would reread his comments on #4. Mr. Hanson read, "The construction of the cul-de-sac originally approved needs to be completed as configured on the original plan within, (Mr. Hanson said that he hadn't come up with the number of months. He said that he is tempted to say within twelve months), months of the date of their approval regardless of when DES gives approval for the down slopes wetlands impact of this road." Mr. Johnson asked if this was discussing the cul-de-sac, for the lack of a better term that was at the end of Phase I. Mr. Hanson said that was correct. Mr. Johnson said that he did have a question regarding Mr. Hanson's comment, "as designed" or as presented. Mr. Johnson asked if the Town had any information regarding the construction of that other than the circular width of the right-of-way. Mr. Hanson asked Mr. Johnson if he meant in terms of cross sections or that sort of thing. Mr. Johnson said or what type of actual construction was to occur within that cul-de-sac. Mr. Hanson said that he would probably call on Ken Ballance. Mr. Hanson asked Mr. Ballance knew the answer to that question. Mr. Ballance said that he believes that it is the same criteria as the construction of the road because it is part of the road. The same depth, the same levels, and there is also specific criteria for size and so forth and out run for off the travel surface. We would have that in our subdivision plan.

Mr. Hanson asked Mr. Viens if he had a question. Mr. Viens said that he was still on the DES things, but we should finish this first and then he would he would through his question out. Mr. Viens thinks that it is on #2.

Mr. Johnson said that he has considered this quite a bit in terms of his experience with dealings with subdivisions and roadways; approaching forty years. Mr. Johnson said that he doesn't believe that he has ever seen a roadway that has an intermediate cul-de-sac functioning in the same manner as it would if it was a terminus of a Phase I situation. Normally if there was a Phase I situation and the cul-de-sac was constructed as a traditional cul-de-sac is, if Phase II as completed then the portions of that cul-de-sac that was originally designed would be discontinued to provide a through way which would discourage people from actually turning around; pulling a u-turn halfway down a roadway. If the concern of the Board is having an area in there that is large enough for turning around fire trucks and for snow plows and that sort of thing. Mr. Johnson said that there are other instances in Town, for example, Fairway Heights Road, where there was a terminus of a roadway, a fairly lengthy roadway, that was going up to the Hale property, and the cul-de-sac was never constructed there. Very similarly the Town had taxed Fairway Heights Road as a portion of the Hale property which is at the terminus of that road. We worked with the Town and the Road Engineer to come up with a maintenance type emergency type turn around in that

particular case. Mr. Johnson said he thinks would be more practical in terms of utilizing that circular type area which right at the moment has a telephone pole, a Co-Op telephone pole which significantly into the right-of-way section. Mr. Johnson said that that would be his comment. Mr. Hanson said that he is still sticking with his motion as is.

Mr. Hanson asked if there were any other questions or comments from the Board. Mr. Viens said, on #2 as he recalled the way the motion was read, we were putting a month limit on when DES needed to respond. Mr. Viens said that maybe all we really need to do was say, once DES responds and approves it then we will sign the Mylar. Mr. Viens said that he forgot how the wording went exactly. Mr. Viens asked if we even need a reference to the months or the date of the approval from DES; couldn't we just say once DES approves then we will sign the Mylar or however you (Mr. Hanson) would amend that. Mr. Viens said that it seems kind of silly to put a date in that we have no control over and we can't anticipate. Mr. Viens said that he worries about what if DES doesn't respond in 6 months; all of a sudden, we have a problem. Mr. Viens said that he is trying to think can we simplify that motion a little bit. Mr. Hanson asked Atty. Boldt if he wanted to comment on that. Atty. Boldt said that he thinks that it goes to the intent of Mr. Hanson's timing. If it is to make sure this proceeds and gets completed, then having a time frame is a good thing. If the concerns are as Mr. Viens raises is that enough time, Atty. Boldt said that in his experience recently with DES is more or less that window. If you wanted be beyond doubt, maybe make both of them a twelve-month frame. Atty. Boldt said that he doubts sincerely that DES is going to stop things. Atty. Boldt said that he has gotten things faster in recent months than he expected for some of his private clients. He thinks from a consistency standpoint it might clean things up. Mr. Johnson said that they did have a preliminary meeting with DES so they are aware of the situation and they are aware of the limitations that they have. Mr. Johnson said if Mr. Hanson wanted to go ahead and bump it out a little bit that would be ok. But the fact that they have already met with them, Mr. Johnson anticipates that they can get something within the six months. Mr. Johnson said that he thinks that the point is well taken certainly after a dozen Planning Board meetings you don't want to get hung up waiting for DES. Mr. Johnson said he would leave it up to Mr. Hanson but they have had that meeting. Mr. Hanson asked Mr. Viens what he thought. Mr. Viens said that was fine with him. He just thought that he didn't want to put an artificial deadline on that we are going to see evaporate before us and for what ever reason have to come back and do this all again. Mr. Viens said that he would just like to see this get approved and move along without any more hold ups. Mr. Loudon said that he agrees with both parties. He said why don't we split the difference and call it nine months. Mr. Hanson said that that is what he just scribbled out six and wrote nine. Mr. Hanson asked Mr. Johnson how that sounded. Mr. Johnson said that it sounds great. Mr. Hanson said that this will read, "All necessary approvals from New Hampshire DES must be obtained and tendered to the Town within nine months of the date of this approval before the Mylar for this plan is signed. Minor changes made during the DES approval process shall be reviewed by the Code Enforcement Officer and the Chairman of the Planning Board."

Mr. Hanson said that something that he had not come up with was the number of months in terms of the cul-de-sac on #4, was the completion within a certain amount of time. Mr. Hanson asked if there were thoughts on that by the Board. Mr. Ricciardi said that his thought

was that it should have been completed already so the sooner the better is his thought. Mr. Hanson said so to put an actual time frame on it would twelve months be appropriate. Mr. Loudon said that he could live with twelve months. Mr. Hanson asked the other Board members. Bill Ricciardi said he thought twelve months could work especially since we are going to get a DES approval in nine months, with any minor changes, if that is going to move forward, at that point just to get equipment in and out of the property to build the rest of the road; the cul-de-sac will be helpful for that too. It's kind of happening at the same time.

Kelli Kemery said that she was just curious if this would be an alternate solution to put a time frame on it from the point of DES approval. So if DES approval came in in six months and we added three months to that, or is it more amenable to have it be the year period rather than putting a one year period on it, having it a period of time from the Des approval. Mr. Hanson asked Atty. Boldt if he wanted to comment on that. Atty. Boldt said it was cleaner if you had a date certain from a date certain. We have a date certain with the approval. Atty. Boldt said that he understood Ms. Kemery's issue. If there was a concern if DES gives approval in month five they still have the year. If they gave it in month three they still have the year. Ms. Kemery said she understood. She said she was actually thinking that if they got the approval in the eleventh month they would only have one month left. She said that she was looking at it alternative perspective as well.

Mr. Viens said he had just a general question for everyone to think about. He said if we put twelve months on it, you have to figure that we have already lost five because you're not going to start construction until after mud season. So that is March or April. Mr. Viens said that it seems to him that they are giving him fairly enough time to put everything together. He said that was just a thought. Mr. Johnson said that that was exactly his point; you have the winter, the spring, the road postings and that type of thing which leads us into May effectively; so just keep that in mind in terms of your approval. If we did miraculously get DES approval in three months we would have to wait until May to do anything. Mr. Johnson said that they may want to push that out past the road posting date.

Mr. Hanson asked if that leaves them at twelve months or do they want to add a little more to make it fifteen months in terms of the cul-de-sac construction. Mr. Viens said that he thought somewhere between fifteen and eighteen, it's a five month window that we are losing going into this thing. He would like to put enough on the back end so that they don't create a hardship for the applicants. Mr. Hanson asked why don't we make it eighteen then. Mr. Viens said perfect. Mr. Loudon was good with that. Mr. Hanson said that he saw heads nodding with that.

Mr. Hanson said that the last item was for the bond. Mr. Hanson said that he didn't have a number of days but after thinking about it a bit it would need to be filed within thirty days. Mr. Hanson asked Atty. Boldt if he thought that that was appropriate. Atty. Boldt said that they might want to give him more than that. Atty. Boldt thought sixty. They have to make arrangements with their financing, that doesn't happen just overnight. Atty. Boldt said that you want it soon but he thinks sixty would be a little more reasonable than thirty. Mr. Hanson said that if they put that down at sixty if everybody is good with that, Mr. Hanson

thinks that they actually have a complete motion unless anyone wants to add any other items or make any other changes.

Mr. Ricciardi wanted to make sure that the wording of the motion is exactly what the Board wants to say. Mr. Ricciardi asked Mr. Hanson if he thought he had it. Mr. Hanson said that he had it in black and white in front of me, plus this has been recorded which is why he reread the parts that they tweaked a bit.

Atty. Boldt said that once all of the discussion is wrapped up he suggested that Mr. Hanson read through it again so that there is a clear written record of 1. through whatever the number is with the dates filled in so there is no doubt. Mr. Loudon said that he was just going to ask that before we seconded it. Mr. Hanson said that he would run through it again unless anyone has anything to add new or wants to make any further tweaking.

1. The Boundary Line Adjustment approved earlier on May 19, 2020 with the Nason/Hayes property must be completed for the conditions set at that meeting and the Deed recorded at the Registry of Deeds contemporaneously with the recording by the Town of the Mylar for this amended subdivision plan.
2. All necessary approvals from NH DES must be obtained and tendered to the Town within nine (9) months of the date of this approval and before the Mylar for this plan is signed. Minor changes made during the DES approval process shall be reviewed by the Code Enforcement Officer and the Chair of the Planning Board.
3. All plan amendments called for by the Town Engineer (Mr. Hanson thought that they could list them out) are made before the Mylar for this plan is signed.

Mr. Hanson said that they did not really address that based on Mr. Johnson's comment and Atty. Boldt's comment. Mr. Johnson's comment was that that was not typically done and you (Atty. Boldt) were kind of engaged in that conversation. Mr. Hanson asked Atty. Boldt if he wanted to chime in on how they might want to tweak this. Atty. Boldt said that he thought if Mr. Hanson put in within thirty days of the date of this approval and before the Mylar is signed, he thinks that will be sufficient. The tweaks are very minor that Mr. Bouchard was recommending, and it is fairly self explanatory in his letter of the 16th that you referenced earlier in the meeting. If that letter hasn't gone over to Mr. Johnson it should and those minor things fixed which is a common thing. Mr. Hanson said that the reading of it would be:

All plan amendments called for by the Town Engineer are made before the Mylar for this plan is signed within thirty (30) days. Atty. Boldt said that he would reverse the order of those two clauses to be, within thirty (30) days of the date of this approval before the Mylar is signed.

Mr. Hanson said for the final time:

3. All plan amendments called for by the Town Engineer are made within thirty (30) days before the Mylar for this plan is signed.



4. The construction of the cul-de-sac originally approved needs to be completed as configured on the original plan within eighteen (18) months of the date of this approval regardless of when DES gives approval for the down slopes wetlands impacts for this road.
5. A bond in the amount of two hundred forty-three thousand dollars (\$243,000) for all future road construction to be valid for at least two years needs to be filed with the Town within sixty (60) days from the date of this approval in a form to be approved by the Planning Board and Town Attorney and before the Mylar for this plan is signed.
6. All costs incurred by the Town to date for engineering fees associated with the review of this proposal must be paid in full before the Mylar for this plan is signed.
7. The developer has indicated that at this time no further development of Lot 9 will be taking place. Any proposed future subdivision must come before the Center Harbor Planning Board for subdivision review which may be limited due to the substandard nature of this roadway being approved to provide access to Lots 8 and 9.

Mr. Hanson said that is all the conditions. Mr. Loudon said with that being read he will second that. Mr. Hanson asked if there was any further discussion or comments by the Board. Hearing none Mr. Hanson called for the Roll: Rachel Xavier-Aye, Mark Hildebrand-Aye, Peter Loudon-Aye, Harry Viens-Aye, Kelli Kemery-Aye, Charles Hanson-Aye, and Bill Ricciardi-Aye. The vote was unanimously in favor.

Mr. Hanson thanked everyone. He said, "We have an approval." With that Mr. Hanson ended this Hearing.

### **III. OTHER BUSINESS:**

Mr. Hanson asked if anyone had any other business. There was no other business.

### **IV. ADJOURNMENT:**

Mark Hildebrand motioned to adjourn the meeting. Seconded by Peter Loudon. Roll Call: Rachel Xavier-Yes, Mark Hildebrand-Aye, Peter Loudon-Aye, Harry Viens-Aye, Kelli Kemery-Aye, Charles Hanson-Aye, and William Ricciardi-Aye. The Chairman adjourned the meeting at 6:45 P.M.

Mr. Hanson said that he knew that they were all done but he wanted to thank the Board very much for this. He said that this has probably been one of the most challenging approvals that they have had to consider in a number of years and he appreciates all of the time spent. Mr. Hanson said that he knows the Board members have spent time and effort and they asked thoughtful questions and he thinks that the members are awesome and should be proud of themselves. He thanked the Board members very much. The Board members thanked Mr. Hanson also.

Transcribed by Sheila Mohan

## A Checklist To Ensure Meetings Are Compliant With The Right-to-Know Law During The State Of Emergency

As Chair of the Center Harbor Planning Board I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

*a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:*

We are utilizing the ZOOM platform for this electronic meeting.<sup>1</sup> All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone (See website for call in and password) or by clicking on the following website address: [www.centerharbornh.org/planning-board](http://www.centerharbornh.org/planning-board)

*b) Providing public notice of the necessary information for accessing the meeting:*

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the Center Harbor Planning Board at: [www.centerharbornh.org/planning-board](http://www.centerharbornh.org/planning-board)

*c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:*

If anybody has a problem, please call 603-481-1485

*d) Adjourning the meeting if the public is unable to access the meeting:*

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that all votes that are taken during this meeting shall be done by roll call vote.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law.

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<sup>1</sup> Many public bodies are utilizing video teleconferencing technology, such as Zoom, to ensure the electronic meeting comply with the Right-to-Know law and any applicable due process requirements. In certain circumstances, a regular business meeting of a public body may be conducted utilizing audio-only technology. If you have any questions about the appropriateness of the technology utilized to conduct your meeting, please consult your agency counsel or the Attorney General's Office.