

Danbury Planning Board

January 25th, 2022

Un-Adopted

The Danbury Planning Board met on Tuesday January 25th, 2022, in accordance with the schedule adopted and posted. John Taylor called the meeting to order at 7:00 p.m. and welcomed everyone present. John asked if anyone had a conflict of interest and hearing none proceeded with the meeting.

Present:

John Taylor, Chair

Gary Donoghue, Vice Chair

Anna Offen, clerk/secretary

Jim Phelps

Matthew Remillard

Mark Zaccaria

Scott Dumont

Not Present:

Guests: Barbie Antonides, Deborah Aylward, Evelyn Pagella, Mary Brady, Jessica Hatch

Previous meeting minutes were reviewed. Jim Phelps made a motion to approve the minutes from December 14, 2021, Mark Zaccaria seconded. **Motion passed unanimously.**

Anna Offen presented amendments to the minutes from January 11, 2022. Mark Zaccaria made a motion to approve the minutes as amended, Matthew Remillard seconded. **Motion passed unanimously.** *Amendments to include: changing the date at the top of the page from January 11th, 2021 to January 11th, 2022; adding Tricia Taylor to guests; Adding "land use" to the last sentence in the first paragraph of the second page; updating the language on the second page, 8th paragraph to read "...but not necessarily all rural areas..."*

At 7:07pm John Taylor continued the public hearing on the proposed changes to the Town of Danbury Land Use and Zoning Ordinance (LUZO).

The amendments to section 11.4 – Village Overlay Areas were discussed. There was some concern voiced from the public that the amendments would cause bigger buildings to be built that could affect the look and feel of the town. Gary Donoghue reminded the board and the public that that the intent was not to re-write or change the meaning of this section of the LUZO's, but to clarify whether the 10,000sqft pertains to one or to many buildings.

Jim Phelps made a motion to accept the amended language in section 11.4.2.2 and section 11.4.2.3, Matthew Remillard seconded. Roll Call Vote: Jim Phelps – yes, Mark Zaccaria – yes, Anna Offen – yes, John Taylor – yes, Gary Donoghue – yes, Scott Dumont – yes, Matthew Remillard – yes. **Motion passed unanimously.**

The amendments to section 11.9-Home Occupations & Cottage Industry were discussed. John Taylor pointed out some grammatical errors in section 11.9.1.1, 11.9.1.3, 11.9.3.1, 11.9.3.4 and 11.9.3.6. Deborah Aylward voiced concern over 11.9.1.1 particularly the terms “business enterprise” and “commercial”. Evelyn Pagella voiced concern over the removal of language in 11.9.3.1. and 11.9.3.2. Jessica Hatch asked for clarification on the process of moving a business from Home Occupation to Cottage Industry. Scott Dumont read the definitions of 11.9.1.1 and 11.9.3.1 and asked if that clarified anything for her. Jess said that she would like to have a more clear-cut definition. She mentioned a cap on number of employees, or something that would make it easier to differentiate between Home Occupation vs. Cottage Industry. Mary Brady voiced concern regarding a specific business that she is worried is going to expand in a residential area.

Scott Dumont made a motion to unstrike the language in section 11.9.3.2, Jim Phelps seconded. Roll Call Vote: Jim Phelps – yes, Mark Zaccaria – yes, Anna Offen – yes, John Taylor – yes, Gary Donoghue – yes, Scott Dumont – yes, Matthew Remillard – yes. **Motion passed unanimously.**

Jim Phelps brought to the Board’s attention Warrant Article 16, a Citizen’s petition–Petitioned/Empowered ZBA as excavation regulator. Mark Zaccaria made a motion to formally not support petitioned/empowered ZBA as excavation Regulator (non-Monetary), John Taylor seconded. Roll Cal Vote: Jim Phelps – yes, Mark Zaccaria –yes, Anna Offen –abstain, John Taylor –yes, Gary Donoghue – abstain, Scott Dumont- yes, Matthew Remillar – yes. **Motion passed with 5 affirmatives and 2 abstentions.**

Jim Phelps made a motion to recommend the amendments to section 11.2 – Principal & Accessory Dwelling, Mark Zaccaria seconded. Roll Call Vote: Jim Phelps – yes, Mark Zaccaria – yes, Anna Offen – yes, John Taylor – yes, Gary Donoghue – yes, Scott Dumont – yes, Matthew Remillard – yes. **Motion passed unanimously.**

Jim Phelps made a motion to recommend the changes on language in 11.9-Home Occupations & Cottage Industry as amended tonight, Scott Dumont seconded. Roll Call Vote: Jim Phelps – yes, Mark Zaccaria – yes, Anna Offen – yes, John Taylor – yes, Gary Donoghue – yes, Scott Dumont – yes, Matthew Remillard – yes. **Motion passed unanimously.**

At 8:45pm the public hearing was closed.

John Taylor read into record a letter from D. Aylward. (attached to minutes)

John Taylor read into record the following building permits:

Gungewam Outfitters LLC, 1388 US Route 4, **Tax Map 415, Lot 063**, 8 X 20 storage container placed next to garage

Thomas Henney, Spruce Lane, **Tax Map 406, Lot 137**, 40 X 25 new home construction

At 8:56pm Anna Offen made a motion to adjourn, Matthew Remillard seconded. **Motion passed unanimously.**

Submitted to the Town of Danbury Planning Board
Jan. 25, 2022
From: Deborah Aylward/Sponsor
Re: Citizens' Petition to repeal §11.3.13 of zoning ordinance

Dear Board Members:

I am requesting the minutes from Jan. 11, 2022 include the following statement made by John Taylor (as transcribed from video) posted to an online forum following the Jan. 11, 2022 public hearing on above reference petition:

**Planning Board Chair insists citizens' petition to repeal section
of the zoning ordinance be 'dropped completely'**

Admonishes petition's sponsor as 'irresponsible' — due to Covid

JOHN TAYLOR: *"I will say, that I listened to WMUR...." unintelligible" ... today we set a new record, in terms of the active number of COVID cases in this state. There's (sic) 18,000 people in this state currently are suffering from COVID, and I think it was very irresponsible, frankly, of Ms. Aylward to propose this motion at a time when it's not going to affect any of the existing excavation pits, and there aren't any pending, or prospective future applications. I think the application should be deferred, or simply dropped completely."*

"This, despite the Planning Board's own proposals, heard the same night, but without the same call for withdrawal. Aylward believes Taylor demonstrated prejudicial, 'disqualifying bias', but did not recuse himself from the discussion, and vote. "Attorneys holding public office are held to a high standard of ethical conduct, and are presumed to know the law," said Aylward. She further believes Taylor attempted to "impermissibly suppress' First Amendment Rights to 'freedom of speech' expressed in the form of petition . "Citizens must not tolerate this type of conduct from public servants, and about which, there are various types of recourse they can, and should pursue." she continued. " End of excerpt.

The minutes from said hearing failed to include any mention of Taylor's soliloquy, during which he expressed absurd 'personal opinion' — there being no motion, and majority vote to ridiculously admonish the petition's sponsor (and by association, all the co-sponsor members of the community) with Taylor's personal requests based neither on fact or law, his intent, to unduly influence members of the public, and the board.

"Sanitizing' the minutes to omit evidence of a board member's misconduct impairs the verity of the public record — that is prohibited by law.

641:7 Tampering With Public Records or Information. —

A person is guilty of a misdemeanor if he:

1. Knowingly makes a false entry in or false alteration of any thing belonging to, received, or kept by the government for information or record, or required by law to be kept for information of the government;

or

II. Presents or uses any thing knowing it to be false, and with a purpose that it be taken as a genuine part of information or records referred to in paragraph I; or

III. Purposely and unlawfully destroys, conceals, removes or otherwise impairs the verity (i.e, truth)) or availability of any such thing Source. 1971, 518:1, eff. Nov. 1, 1973.

Furthermore, at the Jan. 11th public hearing, Taylor , with the appearance of authority, loudly proclaimed, and misrepresented the terms of the zoning ordinance by stating that the town is 'entirely residential', when at a previous business meeting, he rigorously argued that South Danbury is not 'primarily residential', but is instead 'the second most commercial area' in town, despite empirical evidence to the contrary — there being at least thirty-three residential properties, but only two commercial operations housed in the heart of said area. LUZO, Article 11. uses the term 'rural district' and nowhere in LUZO is found the terms 'rural residential', 'residential district', or any area exclusively designated as 'residential'.

Therefore, requested is that any member holding themselves to a high standard of morals and ethics, and who believe it is inherent in the nature of their office, and pursuant to their oath of office, make a motion to amend the minutes to include Taylor's quote verbatim in order to properly inform the public about his conduct.

Members are encouraged to fully acquaint themselves with the following chapters of Title LXII - Criminal Code, and to which state statutes they can be held accountable:

Chapter 640 - Corrupt Practices

Chapter 641 - Falsification in Official Matters

Chapter 642 - Obstructing Governmental Operations

Chapter 643 - Abuse of Office

Furthermore, in order to be fit to serve in an official capacity, if not already provided, or about which not already aware through self-education, members must obtain, fully quaint themselves with, and before making official decisions, when applicable, reference The Planning Board Handbook; Planning Board Bylaws and Rules of Procedure, Subdivision and Site Plan Review Regulations; Land Use and Zoning Ordinance, RSA 155-E: The Law Governing Earth Excavations publication, and pertinent case law, as New Hampshire Supreme Court decisions become the 'law of the land'; all other statutes governing the board's activities , and 'conflict of interest'.

The legislature only gave board members the authority to carefully examine, and rely on facts and law for making official decisions —versus the fantastical misrepresentations made by a member who has demonstrated he is entirely unfit to hold public office, and that to continue in his position is detrimental to the public interest. As a result, and for the second time, JOHN TAYLOR is asked to:

RESIGN NOW!