

1  
2  
3 **LONDONDERRY, NH PLANNING BOARD**  
4 **MINUTES OF THE NON PUBLIC December 6, 2023**

5  
6 **CALL TO ORDER**  
7

8 **Members Present:** Art Rugg, Chair; Al Sypek, Vice Chair; Jake Butler, Secretary;  
9 Lynn Wiles, Assistant Secretary; Ann Chiampa, member; Jeff Penta, member; Ted  
10 Combes; Town Council Ex-Officio; Bruce Hallowell Ex-Officio; Jason Knights,  
11 alternate member; Roger Fillio, alternate member; Tony DeFrancesco, alternate  
12 member.

13  
14 **Also Present:** Kellie Caron, Assistant Town Manager/Director of Economic  
15 Development and Benjamin Bennett, Town Planner  
16

17  
18 **DISCUSSION**  
19

20 Kellie Caron started off the meeting by informing the board she would be reviewing  
21 legal advice from the town attorney, Megan Carrier. A copy of the letter was  
22 handed out to each member of the board for their review.  
23

24 Kellie Caron informed the board that the letter from Megan Carrier, dated  
25 November 20, 2023, was with regards to adding public comment to the Planning  
26 Board Rules of Procedure. Kellie reminded the board that the letter was attorney  
27 client privilege.  
28

29 Kellie Caron informed the board the letter advises against allowing public comment  
30 at not only the Planning board, but the ZBA, Conservation Commission, as well as  
31 the Heritage Commission. Kellie then read out loud the 4 reasons with explanations  
32 why Attorney Carrier advised against public comment in her letter dated November  
33 20, 2023.  
34

35 Chairman Rugg noted that in general, it was not advisable in land use boards.  
36

37 Bruce Hallowell asked if this was just with regards to adding a section that allows  
38 public comment.  
39

40 Kellie Caron responded that this was just for public comment separate from  
41 comment during a public hearing.  
42

43 Lynn Wiles ask to confirm that this included Conservation Commission, Heritage  
44 Commission, and ZBA.  
45

46 Chairman Rugg confirmed he was correct.  
47

48 Kellie Caron discussed that the intent of a work session is, so the board has an  
49 opportunity to form a consensus to bring an item to a public hearing.

50  
51 Chairman Rugg said a member of the public could ask to be part of the agenda for  
52 the board. Kellie disagrees and comments that this issue had come across at the  
53 Conservation Commission, and they were advised against it.

54  
55 Councilor Combes states that they should be directed to the Town Council, where  
56 Public Comment is permitted.

57  
58 Jeff Penta asks about members of the public emailing the board, and if the board  
59 should respond.

60  
61 Kellie Caron reminded Jeff that we could only discuss the letter from the Attorney.

62  
63 Ann Chiampa asks if we could allow public comment from a member of another  
64 board or commission that is in the audience as they are a Public Official.

65  
66 Tony DeFrancesco asks what about the Chairman of the Town Council?

67  
68 Kellie Caron says the Chairman of The Planning Board can exercise their judgement  
69 with Public Officials. She states that "At the end of the day, its at the discretion of  
70 the chair, but Attorney Carrier does advise against it."

71  
72 Kellie Caron asks the board if they have any more questions, and there were none.

73  
74  
75

76 **The Non-Public meeting adjourned at approximately 7:20 p.m.**

77  
78 These minutes were prepared by Jake Butler.

79  
80 Respectfully submitted,

81  
82 \_\_\_\_\_

83  
84 Name:  Jake Butler

85 Title:  Secretary

86  
87 These minutes were accepted and approved on \_\_\_\_\_ by a motion made by  
88 \_\_\_\_\_ and seconded by \_\_\_\_\_.