

PEMBROKE PLANNING BOARD
Approved Minutes of Meeting

Tuesday, August 28, 2007

MEMBERS PRESENT: Roland Lemoine, Chairman, Robert Bourque, Vice Chairman, Cindy Lewis, Selectmen's Representative, Alan Topliff, Todd Terrien, and Kevin Foss

ALTERNATES PRESENT: Dan Crean, Kathy Cruson, Kevin Krebs

EXCUSED: Mark Zydel

STAFF PRESENT: Laura Scott, Director of Planning, Jocelyn Carlucci, Recording Secretary

Chairman Lemoine opened the meeting at 7:01 pm. He designated Alternate Member Krebs to vote in place of Member Zydel.

Public Hearing

Minor Site Plan Application. Case #07-103. Map 634 Lot 48-3 located at 10-16 Sheep Davis Road in the Commercial/Light Industrial (C1) and Aquifer Conservation Overlay Zoning Districts. The applicant, Pembroke Commercial Group, LLC, is proposing to modify existing Site Plans (Case #05-102 & #06-105) to allow for the addition of outside seating and grilling areas; the relocation of dumpsters, mechanical equipment, and coolers; and the addition of 600sqft to the footprint of one building.

Ms. Laura Scott stated that there was a memo placed at each member's seating position indicating that police and fire had no comments or concerns regarding the revised site plan.

Kenneth R. Rhodes, Senior Vice President of CLD Consulting Engineers introduced himself and stated that this was an opportunity to update the Board on Pembroke Crossing's progress. He indicated that the building previously defined as a restaurant had been more clearly defined on the plans as retail and restaurant use. He said that the Dunkin Donuts' operation had asked for a 2400 sq. ft. footprint rather than the 1800 sq. ft. print that was originally on the approved site plan. 2400 sq. ft. is the 2006-2007 standard for Dunkin Donuts.

Mr. Rhodes said that they looked at all uses, parking, and green space calculations and they are still in compliance with all the parameters. He reiterated that he would like to have the site plan updated in the revised format.

Mr. Rhodes also wanted to state, for the record, that he is aware that the Board is very concerned with the applicant staying within the allowable sewer capacity. He said that the applicant, Dick Anagnost, is aware of his allowable sewer capacity and that the proposed changes still place him within the allowable gallonage per day.

Ms. Scott noted that Paulette Malo of the Pembroke Sewer Department reviewed the plans and indicated that the Commission had no problems with the new calculations. The project presently has adequate sewer capacity for the revised plans. Ms. Scott also noted that Ms. Malo, per her

memo dated August 21, 2007, cautioned that a retail space of 2,400 sq. ft. is not the same as a pizza place of the same square footage and that, if there are any other changes at the Planning Board level, that the Sewer Department should be notified to review the calculations prior to approval.

Mr. Rhodes said that, if there are future adjustments in the square footages between the retail, restaurant, or bank areas, it was made very clear to the applicant that they were “close to the line.”

Chairman Lemoine referred to a letter from KV Partners regarding a bus turnout and asked Mr. Rhodes to point out the bus turnout on the plans. Selectmen’s Rep. Lewis stated that the area is not noted as “bus turnout” on the plans. Mr. Rhodes pointed to the area on the plan. Mr. Rhodes also said that KV Partners’ letter asks for design calculations to ensure that the retaining wall constructed at that location is adequate for the vehicle load.

Vice Chairman Bourque asked where the snow storage areas would be located.

Ms. Scott said that the revised plans do not have the snow storage areas listed, but that on the original approved plans, the areas are noted. Mr. Rhodes said that the areas are located on the east side of Dunkin Donuts and across the guardrail near 106.

Vice Chairman Bourque commented that it seems that they would be blocking parking spaces with the snow removal.

Mr. Rhodes said that there is still adequate area to allow for snow storage. He said that the snow storage areas on the approved site plan have not changed.

Chairman Lemoine asked if Dunkin Donuts’ building design had changed?

Mr. Rhodes said that it is approximately 5 ft. wider and 20’ longer.

Chairman Lemoine asked where Dunkin Donuts would put their signs.

Mr. Rhodes said the style of signage will be merely a larger footprint of the same style.

Chairman Lemoine said that signage is an issue with this project and that the Board just ran into that with the Meathouse.

Ms. Scott indicated that the Meathouse received approval for 2 of the 3 the signs that they applied for.

Mr. Rhodes said that, as far as the applicant and owner are concerned, the buildings will need signs on them but, as far as the site plan is concerned, the commercial entrance signs previously indicated on the plan, are not changing.

Selectmen's Rep. Lewis clarified that what Chairman Lemoine was trying to tell Mr. Rhodes is that, just because it was approved on the site plan, does not mean that it is approved and that Mr. Rhodes will receive his sign permit.

Mr. Rhodes said that signage will also have to meet the ordinance. He pointed to the location of the only two signs on the site plan.

Selectmen's Rep. Lewis disagreed because part of the site plan included the elevations for the signage.

Mr. Rhodes clarified that the signage for the Dunkin Donuts building will be similar to the sign proposed for the 1800 sq. ft. building.

Selectmen's Rep. Lewis said that she was not sure that that would get him the sign permit.

Ms. Scott said that she already spoke with Art Rose and has also received calls from Dunkin Donuts' sign people saying that they did not like the signs that the Planning Board previously approved. Ms. Scott said that she explained to them, on numerous occasions, that, in order to change the sign, they would have to come back to the Planning Board.

Mr. Rhodes asked if, as far as what Dunkin Donuts has presented as part of the site plan, have they proposed an alternative at this point? Ms. Scott said no.

Selectmen's Rep. Lewis reiterated that what was approved will not get a permit for the signage.

Vice Chairman Bourque asked if it was because they increased their sign size?

Ms. Scott said no. It was because they placed the sign on the roof and it violates the sign ordinance, according to the Code Enforcement Officer.

Selectmen's Rep. Lewis said it also violated the square footage because they have used up the square footage that they were allowed.

Mr. Rhodes asked if there would be discussion if the signage that they brought in was exactly what was shown on the building elevations that were presented for any of the facilities along this area (he pointed to the area), and it was part of the approved site plan?

Selectmen's Rep. Lewis said no.

Ms. Scott clarified that the Code Enforcement Officer has final say over any sign permits independent of the Planning Board, which is outlined in the Zoning Ordinance.

Mr. Rhodes stated that all he is doing is putting on the record that signage is another point of discussion.

Ms. Scott said that there is a note on the site plan that indicates that receiving the signs are the responsibility of the individual businesses or developer.

Mr. Rhodes said that, although the Board may be seeing more of this project in the future, at the present time it continues to move along very nicely.

Selectmen's Rep. Lewis stated that it was thought that the patio area was located near the dumpster and it presently seems to have moved. She asked if the tenants were going to share a dumpster?

Jason Brzezowski, Project Engineer, for CLD Consulting Engineers said that one will be a compactor and one will be a dumpster that the tenants will share.

Selectmen's Rep. Lewis asked if they were both near the grilling area?

Mr. Rhodes answered yes.

Vice Chairman Bourque asked what happened with the signage on the Meathouse?

Ms. Scott said that the Building Inspector deemed that it did not meet zoning because it was considered a roof sign. She said that this is why the sign ordinance is on the list of ordinances for the Board to review for 2008 Town Meeting. The present sign ordinance conflicts in different locations. In one section, what was proposed for the Meathouse and Dunkin Donuts seems to meet zoning, but in another section, it does not. The ordinance conflicts on how many number of signs can be allowed per building and per lot. She said that the Meathouse wanted three signs. Two were approved and one was rejected. The roof sign was rejected. They were advised that if they wanted to change that, they would have to go for a variance to the Zoning Board. The material was provided to them and they have not applied for a variance. She and the Building Inspector have not heard from them.

Selectmen's Rep. Lewis stated that the amount of square footage that they have used is the total square footage that is available for the whole lot. So that is why Dunkin Donuts has not come in to pull a permit.

Ms. Scott said that one conflict, when reading the ordinance, is that it is possible to have one sign per use or three signs per lot in the Commercial District. In theory there are 10 uses.

Selectmen's Rep. Lewis said it depends who reads the ordinance and she did not want to argue anymore about it.

Ms. Scott said she was not arguing, but merely stating that it is up to the Building Inspector.

Selectmen's Rep. Lewis said that the businesses will need to resolve the issue so that they are not trying to open without signs.

Mr. Rhodes said that the site plan indicates, at this particular point, the commercial sign at both entrances, elevations were presented for two buildings with a commitment that when these buildings came along, either at staff level or otherwise, they would let the Board know exactly what the buildings looked like. Those have to comply with the ordinance. The question overall has become what complies with the ordinance. Mr. Rhodes said that he has not seen the detailed building plans and there still seems to be discussions between the Code Enforcement Officer and the ordinance on how this could be applied. He said that a roof sign on a gable seems to be still a point of discussion. He said that for the Board to want to see what the sign along the frontage will look like is not an unreasonable request.

In response to a question by Member Krebs about accessibility by the restaurant to the dumpster, Mr. Rhodes said that there is a little room in the back and that the business has decided it would be adequate for them to reach the dumpster.

Vice Chairman Bourque asked what other changes were proposed for the Meathouse building?

Mr. Rhodes said that they clarified the location of the cooler and mechanical area in order to make the footprint more accurate.

Ms. Scott pointed out that the Planning Board requested more landscaping and screening, so there is a note added about what was going to be placed in that area.

Vice Chairman Bourque asked why the outdoor grilling area would be near the dumpster. Mr. Rhodes said that that was the location that the business felt they could operate best.

Member Krebs commented that it would be easier if the changes were highlighted on the revised plans to make it clearer for the Board.

MOTION: Selectmen's Rep. Lewis moved to accept the plan in for review. Member Topliff seconded.

VOTE:	Robert B. – Y	Todd T. – Y	Cindy L. – Y
	Alan T. – Y	Kevin F. – Y	Kevin K. – Y
	Roland L. – Abstained		

MOTION TO ACCEPT THE PLAN IN FOR REVIEW PASSED ON A 6-0 VOTE, WITH ONE ABSTENTION.

Chairman Lemoine opened the public hearing at 7:25 pm.

There being no comment, Chairman Lemoine closed the public hearing at 7:26 p.m.

Vice Chairman Bourque asked if there were any outstanding issues?

Ms. Scott said no and clarified that Police and Fire signed off and KV Partners mentioned the retaining wall which can be dealt with during construction. The Sewer Department signed off

with a note making sure that the applicant is aware of the sewer capacity limits. Ms. Scott also said that the changes do not affect the Water Department or the Highway Department.

Member Krebs asked if the parking area was large enough for buses. Mr. Rhodes said that the idea was that an area would be designated for buses to pull over without interrupting the driving aisles or parking on Route 3. To exit, the busses would use the Route 106 exit.

MOTION: Member Terrien moved to approve the Minor Site Plan Application. Vice Chairman Bourque seconded

Chairman Lemoine asked if there were any notations that should be made?

Ms. Scott said she did not have any conditions that need to be met.

Alternate Member Crean recommended that the following conditions and comments be included: (1) uses be conditional upon sewer approval, (2) that signage issues be resolved prior to issuing permits and erection of signs, and (3) that the retaining wall issue be included.

Ms. Scott stated that the applicant already had sewer approval.

Alternate Member Crean said that there is a memo in the file from Paulette Malo that raises the sewer issue.

Ms. Scott said yes, but it refers only to changes that are made in the future.

Selectmen's Rep. Lewis said that Alternate Member Crean wants it stated in the motion so that no one can come back and say that it is not in the motion.

Ms. Scott said that someone other than Alternate Member Crean has to state that, because he is not a voting member at this time.

Chairman Lemoine said Alternate Member Crean just wants it on there so the applicant will understand.

Ms. Scott asked what the conditions are that the Board would like the applicant to meet.

Mr. Rhodes said that the challenge becomes if the condition has to be met before the Board can sign the plan and how do you meet the condition that deals with something in the future?

Alternate Member Crean said that it is a condition subsequent, not a condition precedent. A condition subsequent states that any occupancy or use of the property is subject to obtaining sewer capacity for that use. He continued by saying that the Board has a letter from the Sewer Commission that indicates that they "will not allow for any other buildings to have more footage or for any other changes that have been asked for at this time, and the uses that have been shown on the calculations will have to be followed." Alternate Member Crean stated that the Board does not have any of the retail or restaurant uses specified and he did not want anyone to say that

the Board did not ask the question and, therefore, giving the representation that sewer is not an issue.

Alternate Member Crean reclarified that usage and occupancy of the project is subject to obtaining and having sewer capacity for those uses.

Vice Chairman Bourque indicated that there is a footprint of a large building area that is not occupied yet. He asked if it has been proposed as to the kind of businesses that will occupy the building? And if there was a ratio as to restaurants vs. retail? Because, he continued, that if someone decides to go from 600 sq. ft. to 1200 sq. ft. for a restaurant and they want to bump a retail space down, the Board would not know if there is sewer capacity to do that.

Mr. Rhodes said that that was exactly what Ms. Malo said in her memo – the applicant does not have the freedom to shift anything around.

Vice Chairman Bourque further stated that whatever the use is for any particular property, it has to have the sewer capacity to go with it.

Mr. Rhodes said he appreciated that but the only thing that he wanted to be sure of is that having brought those things up, both with the Sewer Commission and the Building Department (signage), is that if you put those conditions on a site plan, then, at this particular point, until those conditions are met – it is hard to meet those conditions when they do not know what those are, then the current site plan which may or may not be acted upon momentarily cannot be met until you meet the conditions that you are attaching to the approval

Selectmen's Rep. Lewis said that what the Board wants is to be clear that if you change anything that you understand that you have to come to get approval from the Planning Board.

Mr. Rhodes said that that is why he is presently here.

Chairman Lemoine said that it will not hold up the project because it will be a conditione subsequent.

Ms. Scott asked if the Board wanted to approve the plan with no condition but on the Notice Of Decision that it be clear that, before an occupancy permit is given, that the sewer capacity has to be met and that the signage ordinance has to be met.

Alternate Member Crean said it was not necessary to complicate the matter. Merely approve it with the three conditions.

Ms. Scott said that she has never seen a conditional approval where the conditions don't have to be met before the plans can be signed.

Alternate Member Crean said he was sorry that she had not seen this before, but that any other planning board that he has ever been before has done these and the statute talks about it.

Chairman Lemoine said that the Board just needs to have things documented for clarification.

Mr. Rhodes said that there is no argument on content, it is just a procedural matter.

Chairman Lemoine said yes.

Mr. Rhodes stated that procedurally if the Building Inspector at this particular point says that we have conditions yet to meet before allowing the Meathouse to go in, Mr. Rhodes wants it made very clear that the Certificate of Occupancy will not be held up because we do not know what all the signage is for the rest of this property. He said he just wanted to be sure that while the Board is writing conditions for an amended site plan that will become the current site plan for the property, that the Building Inspector will not say “no, until those conditions are met, I can’t do anything.” Mr. Rhodes agreed that in his 20 years, he has never seen subsequent conditions that do not have to be met before the Certificate of Occupancy is in place. That was his specific concern.

Alternate Member Crean said the Certificate of Occupancy is different from a building permit. He said that the applicant cannot occupy these sites until they have sewer capacity.

Mr. Rhodes said that they have sewer capacity. He clarified that what the Sewer Commission said is not to make any more changes. Therefore, the current site plan holds. The Sewer Commission is warning them not to change the site plan any more without the Commission reviewing it.

Vice Chairman Bourque asked to discuss the signage while Alternate Member Crean worked on the language for the motion.

Mr. Rhodes pointed out that the Board acted on signage a few weeks ago which meant nothing because the building inspector could not issue a permit anyway.

Chairman Lemoine answered that that is what the Board is trying to resolve.

Mr. Rhodes replied that the challenge is that the Board can’t because the Planning Board does not have the authority to change the zoning ordinance unless the Building Inspector has some sort of different interpretation

Selectmen’s Rep. Lewis said that what the Board is basically saying is that the applicant must obey the ordinance so that the next applicant realizes that so they don’t have to get a variance

Mr. Rhodes asked Selectmen’s Rep. Lewis “which part of not meeting the ordinance without a variance didn’t this plan address?”

Selectmen’s Rep. Lewis asked for clarification.

Mr. Rhodes asked Selectmen’s Rep. Lewis which part of a request or this site plan approval without meeting the ordinance, which he admitted was rhetorical, . .

Selectmen's Rep. Lewis replied that Mr. Rhodes was wrong because they changed the size of the building on Dunkin Donuts and Dunkin Donuts has approved signage as part of the site plan approval.

Mr. Rhodes said the site plan approval may not meet the ordinance anyway.

Selectmen's Rep. Lewis said she did not understand what Mr. Rhode's issue is. The Board is merely trying to call attention to it before the applicant approaches the Board and is stopped from getting a building permit and cannot open because they can't get any signage. That is the whole point, she said. One would have thought that it had been reviewed before it was approved. It makes the Board look like "idiots".

Mr. Rhodes said that that is not a place where either one of them should play right now.

Selectmen's Rep. Lewis further explained that that is the reason why the Board is trying to call attention to it.

Mr. Rhodes said that there will be occupancy in both places.

Alternate Member Crean suggested that approval include the following conditions subsequent (1) any use or occupancy of the site is conditioned and limited by available sewer capacity; (2) signage for buildings shall comply with applicable zoning requirements at the time permits are sought; (3) if the bus turnout is built, retaining wall may be required to be amended as required by the Town's consulting engineer.

Alternate Member Crean continued to say that he does not see how that would interfere with getting building permits.

Mr. Rhodes said there is one or two possible outcomes to that. He is 90% sure that the design of that retaining structure has included the vehicle load requirements.

MOTION: Member Terrien moved to amend his motion to include: (1) any use or occupancy of the site is conditioned and limited by available sewer capacity; (2) signage for buildings shall comply with applicable zoning requirements at the time permits are sought; (3) if the bus turnout is built, retaining wall may be required to be amended as required by the Town's consulting engineer. Seconded by Vice Chairman Bourque.

Chairman Bourque asked that the motion be read again.

Alternate Member Crean read the motion: "To approve the amended site plan with the conditions subsequent that (1) any use or occupancy of the site is conditioned and limited by available sewer capacity; (2) signage for buildings shall comply with applicable zoning requirements at the time permits are sought; (3) if the bus turnout is built, retaining wall may be required to be amended as required by the Town's consulting engineer."

Vice Chairman Bourque noted that the way it is presently laid out on the site plan, for the restaurant, retail, and bank, the applicant has approved capacity for all of them for the stipulated square footage. Therefore, the applicant should be fine unless there is a large change that is made in the future. At that time, the applicant would be required to meet with the Sewer Department.

Mr. Rhodes said that Ms. Malo very clearly stated that it is not about a “large change”. He agreed with Vice Chairman Bourque that if someone wanted to change the size of the bank and create a restaurant, it would not be allowed unless something else was downsized.

They both agreed that if anything on the approved site plan were changed, it must go back to the Sewer Department.

Mr. Rhodes said that the Board’s process and what the site plan has honored with the process, is that if the word “retail” on the site plan is changed to the word “restaurant”, the Town’s process requires the applicant to come back because it is not consistent with the approved site plan – sewer aside. He added that with the presented site plan, if approved, Ms. Scott and the Board has made it very clear that any changes, whatsoever, cannot be made without the Board’s approval. He also reiterated that the applicant is 300% aware of their position with regard to the sewer capacity.

VOTE: Robert B. – Y Todd T. – Y Cindy L. – Y
 Alan T. – Y Kevin F. – Y Kevin K. – Y
 Roland L. – Abstained

THE MOTION TO APPROVE THE AMENDED SITE PLAN WITH THE CONDITIONS SUBSEQUENT THAT (1) ANY USE OR OCCUPANY OF THE SITE IS CONDITIONED AND LIMITED BY AVAILABLE SEWER CAPACITY; (2) SIGNAGE FOR BUILDINGS SHALL COMPLY WITH APPLICABLE ZONING REQUIREMENTS AT THE TIME PERMITS ARE SOUGHT; (3) IF THE BUS TURNOUT IS BUILT, RETAINING WALL MAY BE REQUIRED TO BE AMENDED AS REQUIRED BY THE TOWN’S CONSULTING ENGINEER PASSED ON A 6-0 VOTE, WITH ONE ABSTENTION.

Mr. Rhodes thanked the Board and said that signage will be the business’ problem.

Alternate Member Crean indicated that he had difficulties looking at the plans and making sense of it. He suggested that the Board treat an amendment to a site plan the same way that the Board requires an application. He stated that the Board: (1) should have an application for amendment to a site plan, (2) should review it to make sure that it is complete, (3) note in the file that it is complete, (4) should require the application to include a narrative by the applicant that represents that only the changes listed are being made, and (5) should include a section in the file that indicates why the applicant is making the changes. He said that he or the Board was put in a position where they could not possibly say that the changes mentioned were the only changes on the site plan. He said that he is not going to take his time to read all the notes and all the small things that go through it. He said he doesn’t have the time for that.

Ms. Scott asked if the public hearing notice that lists all the changes is not adequate?

Alternate Member Crean said he wants a representation by the applicant, in writing, by way of an application that says that these are the only changes and the reasons why they are making them.

Ms. Scott asked if the Board is asking her to require it or is the subcommittee working on it?

Chairman Lemoine said the subcommittee is working on it.

Alternate Member Crean said that the Board needs to be much more formal about the amendment to an approved site plan. In fairness, the abutters do not have any idea what is going on or understand what is going on from a little generic description that doesn't contain anything and they are also not going to know by looking at a plan. He said that it should not be done by the planner, but by the applicant, in writing.

Alternate Member Crean requested that when Ms. Scott sends material to the Board, that the file is identified by a file number.

Ms. Scott pointed out that the Case Number and Map/Lot numbers are listed on her correspondence to the Board.

Alternate Member Crean continued to say that when Ms. Scott sends a memo, there is not always a file number on the correspondence, and would like her to be more consistent because he files things by file numbers and it would be less time-consuming for him when placing the material in his binders.

Ms. Scott said she would be more careful in the future.

Vice Chairman Bourque asked, with reference to the signage, if he is correct in saying that although the site plan, as a whole, was approved with the signage on either entrance, do the owners of the particular businesses located in the buildings have to come before the Board for signage for their businesses?

Chairman Lemoine said no. They have to meet zoning.

Selectmen's Rep. Lewis said that the business owner comes before the Board with signage on their elevations.

Ms. Scott said the Dunkin Donuts, Meathouse, and On the Way Gourmet because they were in phase I and Phase II, came in and showed the Board what the color scheme and landscaping would be. The two end, multi-tenant road ones that were part of the major site plan were approved. As the Bank comes in, they have to come before the Board to show their architectural rendering as part of this development which, in part, is signage.

Vice Chairman Bourque asked if it is the company or the Bank?

Ms. Scott said it could be the company or it could be CLD as long as Pembroke Commercial Group gives them permission to come before the Board because they are the property owner. Chairman Lemoine said that the Concord Planning Board is very clear as to the steps required by their applicants. He suggests that the Pembroke Planning Board do the same.

Vice Chairman Bourque asked for an update on the Meathouse signage issue.

Chairman Lemoine said that they have to meet codes.

Ms. Scott stated that Dunkin Donuts has not applied for signage. The Meathouse has and were granted two signs and were told six weeks ago, the process necessary to get the third sign that they wanted. They have not called the Building Inspector. Ms. Scott said that she has sent them e-mails and has left messages but has not heard anything further.

Chairman Lemoine said that the Board will work on it.

August 14th Meeting Minutes – Review and Approve

MOTION: Member Foss moved to accept the August 14, 2007 minutes as amended. Member Topliff seconded.

VOTE: Robert B. – Y Todd T. – Y Cindy L. – Y
 Alan T. – Y Kevin F. – Y Kevin K. – Y
 Roland L. – Abstained

MOTION TO ACCEPT THE AUGUST 14, 2007 MINUTES AS AMENDED PASSED ON A 6-0 VOTE, WITH ONE ABSTENTION.

Member Krebs suggested that in the future, the word “approved” be eliminated from the suggested changes on the draft minutes until the minutes are approved by the Board. He felt it was confusing.

Ms. Scott said the reason why she places the word “approved” into the draft minutes prior to the Board’s review is to remind her to change the word “draft” to “approved” once the Board has voted on the changes. She will eliminate the word “approved” from now on.

2008 Planning Board Budget

Chairman Lemoine asked for any comments on the budget.

Alternate Member Crean suggested that the Board either take up the 2007 budget report now or defer consideration of the 2008 budget until the Board discusses the current status of the budget.

Chairman Lemoine pointed out that the 2007 current budget report is in the member packet.

Chairman Lemoine noted that the 2007 Personnel Item is 125.9% over budget.

Ms. Scott said that the Board has not been requested to do the personnel item, she spoke to Geoff Ruggles and he is taking care of that. The Board is requested to review the Operating portion of the subject.

Alternate Member Crean said that under the Statute, the Planning Board has the authority within limits of funds to hire its own staff so the Board has the authority to request that they do "Personnel". Just because the Selectmen or Mr. Ruggles feel that they would like to do "Personnel" does not mean that the Planning Board does not have a voice in it. Per RSA 673, the Planning Board has the authority, within the limits of funds appropriated, to hire staff. He said he has ideas pertaining to this.

Ms. Scott said that the budget request needs to be submitted to Mr. Ruggles by the end of the week. She also noted that the legal hearing notices, certified postage, and the filing fees are offset by the Board's revenue which comes in under Planning Board fees. If Pembroke does not have applications then the money is not spent on those line items.

Chairman Lemoine noted that the budget shows the figures associated with the Board's spending but does not show the Board's revenue. Ms. Scott said that was correct.

Alternate Member Crean said that the figure should be shown as anticipated revenue. Ms. Scott said that that is not shown on the Board's budget, but Mr. Ruggles shows it on the revenue budget.

Alternate Member Crean clarified that the three lines that are offset are Legal Hearing Notices, Certified Postage, and Filing Fees. The top two lines, Meeting and Conference, and Department Supplies, affect taxes.

Ms. Scott said that she needs to know what the Board would like to request for 2008.

Alternate Member Crean said that with the Fall conferences coming up, his opinion is that the \$350 associated with Meetings & Conferences will be exceeded.

Ms. Scott said that that would depend on how many Board members wanted to attend the conferences.

Alternate Member Crean recommended that the Board request \$350 for Meeting & Conferences and \$100 for Training and Materials.

Ms. Scott asked if he wanted to request a new line item.

Alternate Member Crean answered yes because he felt that there were many resources that were not done through Meetings and Conferences and it would be more efficient to create a new line

item. He also suggested that the Board offset the change by decreasing the Department Supplies from \$300 to \$200 and leaving the other items the same.

Ms. Scott reiterated that the following budget figures will be:

Meetings & Conference	\$ 350
Training and Materials	100
Office Supplies	200
Certified Postage	1500
Legal Hearing Notices	2000
Filing Fees	<u>800</u>
Total:	\$4950

Alternate Member Crean further proposed that the Board request \$50,000 for the Planning Board payment of a Planner and/or Planning Contractual Services for dedicated planning services.

Ms. Scott clarified that since those line items presently exist in the Planning and Land Use Department budget, was he proposing to have them eliminated?

Alternate Member Crean said he did not know where they presently existed but that he is saying that he wants them to be part of the Planning Board.

Ms. Scott stated that the two line items, Planner and Planning Contractual Services presently exist in the Planning and Land Use Department budget. She asked if he was proposing to take those items out of that budget and add them to the Planning Board Budget?

Alternate Member Crean said it would be up to the Selectmen to do whatever they wished with regard to those positions. He felt that the Planning Board should have the authority to hire a Planner. He continued to say that rather than having to share a Planner, that is not hired by the Board, that the Planning Board have, in accordance with the statute, the ability to have a Planner that is dedicated to the Planning Board, whether part-time, full-time, or shared (those things to be worked out), but would like to see the money and authorization granted to the Planning Board rather than to the Selectmen. Alternate Member Crean said that the request is in accordance with RSA 673:14.

Ms. Scott confirmed that the Board would like the amount to be \$50,000.

Alternate Member Crean said yes, and whatever would be required to cover benefits if it was employment.

Ms. Scott reiterated that Alternate Member Crean would like \$50,000 if it was a contract and \$50,000 plus benefits if it is Town staff.

Alternate Member Crean said yes.

Chairman Lemoine asked Alternate Member Crean to clarify the statute number.

Member Topliff asked if the request merely changes the planning position so it reports to the Planning Board rather than the Board of Selectmen.

Chairman Lemoine said yes.

Alternate Member Crean said it was RSA 673:16 of the Planning and Land Use Regulations. He read aloud: "Paragraph I. Each local land use board may appoint such employees as it deems necessary for its work who shall be subject to the same employment rules as other corresponding civil employees of the municipality. Each board may also contract with other planners, engineers, architects, and other consultants for such services as it may required. The expenditures of the board, exclusive of gifts, reimbursements or amounts held . . . shall be within the amounts appropriated for the purpose by . . ."

Alternate Member Crean clarified that essentially the RSA says that a Planning Board, if it has money appropriated for that purpose, can hire its own staff and its own consultants. He said that the money is appropriated to the Planning Board rather than the Board of Selectmen.

Vice Chairman Bourque asked how it would be decided to shift the money from the Selectmen to the Planning Board?

Alternate Member Crean said it would go through the budget process. First the Selectmen would decide if they wanted to approve it. If the budget committee then approved it, it would go to Town meeting and, instead of the money for the Town Planner position being included in the Planning and Land Use budget on a shared basis, a portion or all of the money would be added to the Planning Board for the Town Planner and Planning Consultant Services. The Planning Board would select the Town Planner and Planning Consultant Services rather than the Board of Selectmen.

Alternate Member Cruson asked how this would affect other positions in Town? She asked if the other Boards have the right to hire staff.

Alternate Member Crean answered that each local Land Use Board which would include the Zoning Board must be done by Town meeting by approving the budget.

Ms. Scott said that currently the Building Inspector, as of October, will provide staff support to the Zoning Board, and currently she, as Town Planner provides staff support to the Conservation Committee, Planning Board, Zoning Board on an as needed basis, and two hours per month, to the Economic Development Committee.

Vice Chairman Bourque asked what would happen to the other committees with regard to staff.

Alternate Member Crean said it would be up to the Board of Selectmen.

Vice Chairman Bourque asked if the Board of Selectmen would just tell Laura to continue covering the other Boards too.

Alternate Member Crean said it may end up that the Planning Board would have a half-time planner or three-quarter-time planner and maybe a quarter of that time would be to the other boards. He continued saying that if the Board felt that they would rather not have the Selectmen or the Town Administrator be the entity to whom that person reports, he thinks that the position, even if it is a shared position, that deals with the Planning Board and affects the Planning Board should report to the Board.

Member Topliff asked if it would get a bit messy from a supervisory or time management standpoint?

Alternate Member Crean said he does not feel that it would be any messier than it presently is.

Member Topliff said that right now the Board of Selectmen have the final say. For example, if three-quarters of the time is for the Planning Board and one-quarter is for Conservation, he is concerned that the Board does not get into an argument with the Conservation Commission because they feel that they should have more time with the Planner. And, also, if there is some issue with regard to performance with the Conservation Commission, he was concerned that it could get messy.

Alternate Member Crean said that the ideal thing would be to have a clear line and not multiple functions to the position. He feels that, as a Board, it is clearer and easier to have the position function the way we would like to have it function because it would report directly to the Planning Board.

Chairman Lemoine asked if there was any other discussions? Seeing that there were no other comments, Chairman Lemoine stated that the Board would need to vote.

Member Topliff said that he thinks the concept has some merit but he felt uncomfortable that perhaps some loose ends may need to be cleared before we make a request to the Town.

Alternate Member Crean answered that if the Board does not do it now than it will not get in because the budget process has begun. He said that if the Board proposes it, then it is an issue to be discussed because he assumes that the Planning Board will meet with the Board about the budget request.

Selectmen's Rep. Lewis related it to the library where the Trustees are responsible for library personnel not the Board of Selectmen.

Member Topliff said yes, but the Library Trustee does not have multiple Boards or Committees reporting to the them.

Alternate Member Crean said he is not proposing that it be a shared position.

Ms. Scott clarified that Alternate Member Crean is proposing that it is just for Planning Board. That the Board hire and the Board supervises the position.

Alternate Member Crean said that how the Board of Selectmen deal with the other boards, can certainly be discussed.

Chairman Lemoine said that it would be in a discussion stage once we got it done.

Selectmen's Rep. Lewis said it will begin the discussions.

MOTION: Selectmen's Rep. Lewis moved to accept the 2008 Planning Board budget as follows:

Meetings & Conference	\$ 350
Training and Materials	100
Office Supplies	200
Certified Postage	1500
Legal Hearing Notices	2000
Filing Fees	800
Planning Director	50,000 plus benefits
or	
Planning Contractual Services	50,000

Member Terrien seconded.

VOTE: Robert B. – N Todd T. – Y Cindy L. – Y
 Alan T. – Y Kevin F. – N Kevin K. – Y
 Roland L. – Abstained

MOTION TO ACCEPT THE 2008 PLANNING BOARD BUDGET AS FOLLOWS:

MEETINGS & CONFERENCE	\$ 350
TRAINING AND MATERIALS	100
OFFICE SUPPLIES	200
CERTIFIED POSTAGE	1500
LEGAL HEARING NOTICES	2000
FILING FEES	800
PLANNING DIRECTOR	50,000 PLUS BENEFITS
OR	
PLANNING CONTRACTUAL SERVICES	50,000

PASSED ON A 4-2 VOTE, WITH ONE ABSTENTION.

Fall Municipal Newsletter Article

Ms. Scott asked if the Board wished to put anything into the Fall municipal newsletter. She suggested noting that the town meeting process had begun and that residents keep their eyes open for public hearing notices, along with proposed changes.

Alternate Member Crean suggested that the Board invite the public in to discuss their concerns with zoning during the last meeting on October 23rd and that there be a brief description of the

citizen petition process so that people understand that they have the right to petition for amendments, and also invite citizens to come in and let the Board know what concerns they have with the zoning ordinance in anticipation of the Board responding to that. He would like to see the Board do something that would stir up public interest.

Ms. Scott clarified that he would like a public forum on October 23, 2007 to bring any concerns or requests about zoning so the Board can consider them.

Alternate Member Crean emphasized that it could be clarifications or questions – not necessarily complaints.

Ms. Scott said she will also put something in the newsletter about the Board working on zoning changes, that the public hearings will begin in December and to refer to the Town's website and bulletin boards. Ms. Scott pointed out that the website's information regarding the Planning Board, Conservation Commission, and Economic Development Committee is all on the site.

Review Proposed 2008 Town Meeting Items

1. Article VIIIA Telecommunications Facility & Antenna Criteria

Ms. Scott stated that Member Topliff drafted proposed language which was in front of each member's chair when they walked in.

Member Topliff explained that in general, the current telecommunication ordinance was probably taken from a source, not created by the Town of Pembroke. He said it was a good ordinance but primarily focused on large cellular towers and antenna systems. He attempted to close a few issues having to do with single users who want to put a single antenna on a tower.

He explained that he likes to think of an existing tower, as an apartment building and the antennas as tenants of that building. The design capacity of the tower determines how many antennas can be placed on the tower. In many cases, an existing tower is not fully loaded. The way the current ordinance is written, is if someone wants to place a single antenna on an existing tower, they must go to the Zoning Board for a special exception, then come before the Planning Board for Site Plan Review.

In Member Topliff's view, if a tower has capacity that is not being used, like an apartment building that has empty apartments, the apartment building owner does not have to come before the Planning Board or Zoning Board to put a tenant in the apartment building. The building is designed to hold a certain number of tenants. Mr. Topliff said that towers are very similar in that sense. The current ordinance says you have to come back and go through the long and very expensive process. He said that the last time he went through it on behalf of the State of New Hampshire, it costs between \$6,000-\$7000 which consisted of filing fees, engineering fees, public notices, etc.

It may only cost approximately \$3,000-\$4,000 to place the antenna on the tower but the approval process takes months and costs more. Member Topliff feels that the process is appropriate for

someone who wants to put up a new tower but not appropriate for a single user to put up an antenna. He said a structural analysis would still be required, but is suggesting that, for a small installation, it should not necessarily come back to the Planning Board or Zoning Board and require spending thousands of dollars for engineered plans.

Alternate Member Crean said that in his experience representing boards who were doing telecom facility siting, most of the applications set out that they would accommodate additional antennas. Alternate Member Crean said that, in his opinion, the better way to handle this is to accept the installation of new antennas through the review process if it is in accordance with reviewed plans. He stated that most telecommunication towers are not erected by telecom providers but rather by independent tower companies who are in the business of renting space. Their goal is to get the maximum amount of approval possible.

Alternate Member Crean added that if someone who is not a telecom provider, but has a small tower and someone wants to put an antenna on it, he feels that there is a possibility that that could cause problems if there is no review process.

Member Topliff asked Alternate Member Crean to clarify what he meant by “problems”.

Alternate Member Crean answered that if there is no engineering analysis that goes along with it, then it could mean signal interference. Additionally, a site plan review is a Planning Board function, not done in the zoning ordinance. Alternate Member Crean said the site plan regulations would need to be amended to stipulate that.

Ms. Scott said that the current cell tower ordinance specifies that it has to go to the Zoning Board and the Planning Board for site plan review in the cell tower ordinance. She said that the site plan review regulations do not mention cell towers. They are allowed by special exception and specifically said that they have to go through site plan. Ms. Scott further said that what Member Topliff was proposing was to allow the addition of antennas on existing towers if they were consistent with the approvals granted to the towers. . . .

Alternate Member Crean stated that there is a difference between requiring it and saying that it can't do it. He clarified that the zoning ordinance is not the place for the Planning Board. The Planning Board can't be told whether or not they can exercise site plan review.

Ms. Scott said that maybe it is because she did not include the entire ordinance, but rather only the changes that are being proposed. She continued by saying that where it says that site plan review is not required is for existing structures for additional antennas that have already been approved by the Planning Board through site plan review so, when Member Topliff came to put in the next six antennas that were already approved by the Planning Board, that is where Member Topliff is saying that he should not have to go back through the special exception and Planning Board process because the special exception that the Planning Board already approved, included a specific number of antennas and the engineering to support the number. . .

Member Topliff clarified that one of the complicating factors of Plausawa Hill, with the exception of a single tower, and there are approximately five towers at that location, only one

tower has ever come before the Town because they are old enough that they were in place before the ordinance was in place. Therefore, Member Topliff continued, the tower that Wright Communication came in for approximately five years ago, the engineering drawing shows a number of antennas that were never constructed, and it is his understanding that those antennas that were approved can be erected at a later date.

Member Topliff clarified that the problem arises when a 20 year old tower has extra capacity. There is nothing in the Planning Board files that has anything to do with that tower so its impossible to go back to the approved plan which shows that six antennas were approved but since there are only four, two can be added later.

Member Topliff stated that there are two critical things: (1) the structural capacity of the tower which he would never suggest that anyone be given a pass for. A certified engineer must state whether or not the tower can withstand the additional load; and (2) Interference. Member Topliff stated that he suggested changes under §143-66.13. He went on to say that, when one begins talking about interference as a site manager where there are multiple antennas, if there is interference caused by an antenna, that interference is handled on the site agreement between the lessor and lessee. The existing tenants have recourse. The new installation is required to be shut down if the problem cannot be quickly mitigated. Member Topliff said that interference is handle internally.

Alternate Member Crean said his concern is not with interference among the tenants on a tower but with other properties.

Member Topliff said he had never seen that happen.

Alternate Member Crean said he read about it.

Member Topliff said his main concern was interference with public safety systems and therefore has attempted to strengthened that portion so that the Town has greater protection.

Ms. Scott pointed out that the subject of cell towers is complicated and wondered if it would be helpful to go through the different sections and explain why Member Topliff proposed the changes that are outlined?

Chairman Lemoine asked if cell towers were required to be periodically structurally inspected?

Member Topliff answered no, that there is no existing requirement.

Member Topliff began by reading aloud §143-66.3, A. He explained that nothing can be done to the tower in terms of adding or replacing antennas with a couple of exceptions in paragraph B without coming before the Planning Board and the Zoning Board. Member Topliff explained that he deleted the reference to “antenna” because he does not think that anyone should erect or make changes to a tower unless they go through the full process. He said that all he is saying is that the Board provide a process, whether through the Building Inspector or some other method. He clarified that someone can place an antenna on a tower provided that the structural analysis

indicates that it is capable of handling the additional load without going through the ZBA and Planning Board process.

Alternate Member Crean said that he does not have any problem with that concept but would like to add the following phrase: “in accordance with any approved plans.”

Selectmen’s Rep. Lewis clarified that Alternate Member Crean is saying that if a person went through the same process for an existing tower that is done for a new tower, then it would be best to have the total number of antennas that are possible for that existing tower.

Member Topliff reiterated that the structural analysis is what actually determines that.

Alternate Member Crean said that the Zoning Board, when it granted the special exception, may be concerned with visual impact. There may be requirements that say that the Planning Board or Zoning Board, in granting the approval, limited the number of antennas that can be placed on the tower because of visual impact, or it is in the historic district, etc. Alternate Member Crean clarified that it is okay to add a new antenna if the tower can hold it and it does not interfere with anything else, but if the Board approved the plan or the special exception was granted with limits, then those continue to apply and that should be added to the language.

Alternate Member Crean stated that the first paragraph eliminates the need for any other antenna and then the exceptions talk about the need for an antenna. He clarified that once the need for an antenna is eliminated, then the regulations should not provide exceptions for the antenna.

Alternate Member Crean said he would prefer that the language in Paragraph A remain as is, and accept the addition of an antenna to a pre-existing tower, approved tower, or one that is being built, as long as it is in accordance with an approved plan. He continued to explain that if Member Topliff wanted to deal with pre-existing towers that have not been approved, to create a separate section.

Chairman Lemoine asked what would be best for towers that the Town has no record of?

Alternate Member Crean answered that the Board may want to stipulate a reference for any pre-existing towers that has not more than X number of antennas, or something that is based on the height of an antenna.

Vice Chairman Bourque asked if, at the present time, an owner of an older tower wanted another array of antennas, if they would have to come to the Planning Board?

Ms. Scott said yes, they would have to go through the full process.

Member Topliff suggested that the Board continue the conceptual conversation if the Board feels comfortable with the concept, if Alternate Member Crean is willing to help with the language.

Vice Chairman Bourque asked Member Topliff how he planned on addressing the older towers.

Member Topliff said he has not thought about it to that extent but did note that adding one more antenna to an area with many antennas will blend right in and not be noticed.

Alternate Member Crean said his solution would be to have the people who have the towers come in and tell the Board what they want and the Board would give them approval for future development of a non-conforming use. Therefore, if they want to be grandfathered and want to expand the use, they must come in and talk to the Planning Board.

Member Topliff was excused at 9:00 p.m.

2. Water Protection Items

- a. §143-71 Shoreland Protection District
- b. §143-69 Floodplain Development District

Ms. Scott said that the State has two model ordinances for Shoreland and Floodplains which are not finalized. She was able to obtain a copy of the ordinances and will be working with them. The National Flood Insurance Program is updating the flood maps for Merrimack County and the draft will be available this fall. The State will be reviewing the flood ordinance this fall to make sure that we meet the minimum standards and will issue feedback at that time. The model floodplain ordinance that Ms. Scott presently has from the State goes above and beyond the minimum. She is hoping to have them on the October 23rd agenda.

Conferences/Trainings

- CTAP Conference (September 29th)
- NH OEP Fall Conference (October 13th)
- NHHFA Housing Conference (October 22nd)

Ms. Scott asked that anyone wishing to go to the conferences let her know by the end of next week. She will take care of the registration and fees.

Member Topliff said he was interested in going to the CTAP conference.

Selectmen's Rep. Lewis said she wanted to attending the Housing Conference.

Ms. Scott said she will send all members a reminder e-mail.

Alternate Member Crean said he would check his calendar but he may be interested in the CTAP conference.

Ms. Scott said that some ZBA members will be going to the State Office of Energy and Planning Conference. She will let everyone know who is going in case someone wishes to carpool.

Correspondents

- August 14th Pembroke 600 Memo from Troy Brown
- August 15th Road Name Change Memo from Troy Brown
- August 18th Pembroke 600 Escrow Memo from Troy Brown

Ms. Scott said that no action or comments are required on the above-mentioned memos. They are merely for the Board's information.

Miscellaneous

- 8/16/07 Water Works Meeting Minutes

Ms. Scott said the minutes are merely for their information.

Alternate Member Krebs said that the minutes say that "Ms. Scott said she had never had a request from the Planning Board to receive information earlier but would be happy to do so if they would prefer." Member Krebs said that he thought that the Board had requested that they receive the information earlier.

Ms. Scott clarified that the Planning Board requested it of the Zoning Board – to receive Zoning Board agendas and public hearing notices. She said that Selectmen's Rep. Lewis mentioned in the minutes that Ms. Scott sent out the public hearing notices and agendas for the Planning Board to different departments for posting, so, in theory, the Library gets the information before the Planning Board does because the Board members receive the information in their packets. Again, if someone from the Planning Board wants their agendas sooner, she would be happy to do so.

Ms. Scott said that she received a notice from Bow regarding a public hearing for a site plan review to construct an 8,000 sq. ft. warehouse. Ms. Scott said she would send them a memo thanking them for notifying the Board.

Vice Chairman Bourque said that last month there was discussion about a dead-end road that was approved without a cul-de-sac. He asked if there was anything that could be added to the approval letter which would state that, if the Planning Board overlooked something that is required in the regulations, that the project cannot be approved without that missing item, unless, of course, it was specifically waived.

Alternate Member Crean said there are two different issues: (1) objectively meeting the requirements of the Town ordinances and requirements. There is a standard condition that is put on the plan that says that the plan must meet Town code which is standard language that is placed on the plans by the engineers. The problem is if a court looks at it and says that the Planning Board approved it and feels that if it was important the Board should have known about it. Alternate Member Crean said that if push comes to shove, he would argue that the developer must comply with the Town regulations, especially if it is a seasoned developer. He did not feel that it was necessary to add any further language.

Vice Chairman Bourque asked where the Board stood on Haleighs Court.

Selectmen's Rep. Lewis asked Ms. Scott if she checked deed for the lot with the basketball hoop for an easement.

Ms. Scott said that the deed for the lot did not have an easement for the paved area.

Alternate Member Crean said that the other aspect is if something is not required by the ordinance but could have been imposed. There is case law in New Hampshire that says that we recognize that Planning Boards are not perfect and, if an applicant makes a representation to the Board that they are going to do something, it can be enforced. It does not have to be noted in a specific condition. The problem, Alternate Member Crean continued, is proving it. The Court says it is a matter of good faith.

Selectmen's Rep. Lewis said that the Board never would have allowed a small paved basketball court off a Town road. The only reason that she asked Ms. Scott to check the lot is because that particular development did not deed the cul-de-sac to the Town. The little half circle that is on each of those lots is owned by the property owners and is an easement until that road is continued. Selectmen's Rep. Lewis said that that was how Walter Norris said he was going to do this one.

Ms. Scott said she asked Elaine if it was in there, and Elaine said no. Ms. Scott will check again.

Alternate Member Crean said that the ideal thing would be for the Board to know what they are doing and for the records to show that, but there are times when the Board will miss something or that they will rely on someone's word. He said that problems crop up when an easement is needed after the fact, on a property owner's land.

Vice Chairman Bourque mentioned that the cluster subdivision that was approved on North Pembroke Road is up for sale and is advertised as an 11-lot approved cluster development and says nothing about any of the conditions.

Ms. Scott said that she spoke with the developer and lawyer today. They understand that the plan was conditionally approved and that they do not have final approval. They also understand that if they sell the land, the new owner would have to meet all the same conditions as the present owner. She said that he has a few other pieces of property on the market and is hoping not to sell this one. She also said that he is pushing to get all the conditions met before the end of September. Ms. Scott clarified that, right now, it is one large piece of property with a conditionally approved plan.

Member Krebs asked Ms. Scott if she asked the owner why he is advertising it as 30 acres rather than 49?

Ms. Scott said no. Ms. Scott said she has not received any calls on that or on Pembroke 600's property.

Chairman Lemoine said that that is why he always asks if the property owner is intending to sell the property.

Ms. Scott re-emphasized that all the conditions that were placed by the Planning Board will have to be met, regardless of who owns the property.

Member Terrien asked if the Board had heard anything about Pembroke 600?

Ms. Scott said no.

Vice Chairman Bourque asked if the Selectmen had decided who the contact person would be for Pembroke 600?

Selectmen's Rep. Lewis said that it has not been on the agenda for discussion.

Chairman Lemoine said he would send an e-mail tomorrow regarding the appointment of someone for Pembroke 600.

Vice Chairman Bourque said he was concerned about the precarious position that it would put the Board in if Pembroke 600 had questions or needed guidance from the Town and there was no one to work with them.

Selectmen's Rep. Lewis said that Geoff Ruggles is the interim Town Administrator.

Selectmen's Rep. Lewis said that the Board of Selectmen voted to have trash pickup on Plausawa Hill.

Ms. Scott reminded Chairman Lemoine that Geoff Ruggles needs her review by the morning because he will need it for the Selectmen's meeting that evening.

Member Krebs asked when he could expect the information on the cluster ordinance which he is assigned to revise.

Ms. Scott said she will do it as soon as possible. Ms. Scott asked Chairman Lemoine if he wanted an envelope to put her review into to be left for Mr. Ruggles or if he would be hand delivering the review to Mr. Ruggles in the morning. Chairman Lemoine said he would visit Mr. Ruggles in the morning.

MOTION: Member Terrien moved to go into non-public session per RSA 91-A:3, II(a). Vice Chairman Bourque seconded.

Chairman Lemoine appointed Alternate Member Crean to vote in place of Member Topliff.

VOTE: Robert B. – Y Todd T. – Y Cindy L. – Y
Dan C. – Y Kevin F. – Y Kevin K. – Y
Roland L. – Abstained

MOTION TO GO INTO NON-PUBLIC SESSION PER RSA 91-A:3, II(A) PASSED ON A 6-0 VOTE, WITH ONE ABSTENTION.

The members went into non-public session at 9:30 p.m.

The member came out of non-public session at 10:30pm

A motion was made by Selectmen Lewis to adjourn. Mr. Terrien seconded. Unanimous vote to adjourn at 10:32pm

Respectfully submitted,

Jocelyn D. Carlucci
Recording Secretary