

**Pembroke Planning Board
Minutes of Meeting
(Adopted)
Tuesday, January 12, 2010**

MEMBERS PRESENT: Alan Topliff, Vice Chairman; Cindy Lewis, Selectmen's Representative; Brian Seaworth; Kathy Cruson; Kevin Krebs

ALTERNATES PRESENT: Ron Nowe; Larry Young, Sr.

EXCUSED: Robert Bourque, Chairman; Jeff White

STAFF PRESENT: Stephanie Alexander, Interim Planner; David Jodoin, Town Administrator; Jocelyn Carlucci, Recording Secretary; Everett Hodge, Code Enforcement Officer

Vice Chairman Topliff, as Acting Chairman, called the meeting to order at 7:00 p.m. and noted that Chairman Bourque and Alternate White were absent. He appointed Alternate Nowe to vote in place of Chairman Bourque.

He explained the procedure for the review and public hearing of the proposed amendments.

Zoning Ordinance Public Hearings

1. Amendment 1. §143-8. Definitions. To replace the existing Zoning Ordinance definitions with the list of definitions available for review in a separate document.

Ms. Alexander stated that all the definitions from the Subdivision, Site Plan, and Zoning Regulations were compiled into one document. Town Counsel suggested a change in the wording of "Contiguous Buildable Area." She read aloud the original definition and Town Counsel's suggested definition.

Consensus of the Board: (1) Town Counsel may not be aware of the Board's intent when drafting the definition which was that contiguity is restricted to a single lot when calculating buildable area; (2) Changing the word "shall" to "may", opened a "gray area" and left the use of the "15% slopes" to the builder's discretion.

Acting Chairman Topliff opened the public hearing at 7:19 p.m.

There being no comments from the Board or the public, Acting Chairman Topliff closed the public hearing at 7:20 p.m.

Consensus of the Board: To define "Contiguous Buildable Area as: A contiguous buildable area on a single lot which consists of calculated buildable area, unfragmented by non-buildable area. For the purposes of this definition only, slopes greater than 15% shall be included in calculated buildable area."

The Board did not feel that the change was substantial.

MOTION: Member Krebs moved to accept the revisions to any typographical errors or insubstantial errors found; and send the Amendment as moved for consideration at the March 2010 Town Meeting. Seconded by Member Young.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 L. Young – Y K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO ACCEPT THE REVISIONS TO ANY TYPOGRAPHICAL ERRORS OR INSUBSTANTIAL ERRORS FOUND; AND SEND THE AMENDMENT AS MOVED FOR CONSIDERATION AT THE MARCH 2010 TOWN MEETING PASSED ON A 7-0 VOTE.

2. Amendment 2. §143-19. Table of Use Regulations. To amend the Zoning Ordinance to permit commercial greenhouses in the Commercial/Light Industrial District under the Agricultural category and to prohibit junkyards under the Retail and Service category.

Agriculture. 2. Commercial Greenhouse. Amend from a **S** in the C1 to a **P**.

Retail and Service. **12. Junkyards. Not permitted in R1, R3, B1, B2, LO, or C1.** Special condition 143-35.1.

Acting Chairman Topliff stated that commercial greenhouses are currently only allowed in the Commercial District by special exception which must be granted by the Zoning Board of Adjustment. The proposed change to the Table of Use Regulations will allow commercial greenhouses in the C1 District as a permitted use and would not permit junkyards in the R1, R3, B1, B2, LO, or C1 Districts.

Ms. Alexander noted that with regard to the Zoning Regulations (pg. 143:26), Table of Uses, Residential, Item 5 (Open Space Development) Town Counsel recommended (1) removing the word “rural”; (2) the letter “P” (Permitted Use) be added in the R1, R3, and LO Districts; and (3) removing the Special Exception from the R1 and R3.

On pg. 143:27, Item 11 of the Zoning Regulations, Town Counsel recommended the omission of the S (Special Condition) for junkyards since a new section would be created specifically for Junkyards and they would not be permitted in any district.

Acting Chairman Topliff opened the public hearing at 7:35 p.m.

There being no comments from the Board or the public, Acting Chairman Topliff closed the public hearing at 7:36 p.m.

MOTION: Selectmen’s Rep. Lewis moved to amend the revisions to any typographical errors or insubstantial errors found (deleting “Special condition 143-35.1”) and send the Amendment as moved for consideration at the March 2010 Town Meeting. Seconded by Member Young.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 L. Young – Y K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO AMEND THE REVISIONS TO ANY TYPOGRAPHICAL ERRORS OR INSUBSTANTIAL ERRORS FOUND (DELETING “SPECIAL CONDITION 143-35.1”) AND

SEND THE AMENDMENT AS MOVED FOR CONSIDERATION AT THE MARCH 2010 TOWN MEETING PASSED ON A 7-0 VOTE.

- 3. Amendment 3. §143-21. Table of Dimensional and Density Regulations.** To amend the Zoning Ordinance to add the minimum lot size for additional dwelling units for the Limited Office District and to add provisions for waiving local setback requirements for failed septic systems.

Note 7. In the C1 and LO districts, the existing residential uses shall be subject to the regulations for that particular type of dwelling as defined in the R1 district.

Note 15. **The requirement for meeting the required Town setbacks will be waived for failed systems on existing lots of record. State required setbacks can be used for failed systems only. A variance must be obtained before approval of plans for any new septic system that cannot meet the required town setbacks for that Zoning District.**

Mr. Hodge said that he was looking for clarification of the permitted lot size for the C1, and LO Districts especially with relation to 2-6 family dwelling units.

With regard to failed septic systems, Mr. Hodge said that the swiftness of replacing the system is critical. Not requiring the landowner to meet with the ZBA would expedite the project and would minimize the cost associated with the replacement of a failed system. During the building of a new building, the time associated with meeting with the ZBA for the installation of a new septic system would be considered part of the cost of the project.

It was also suggested that the third sentence be eliminated from Note 15.

The consensus of the Board:

Note 7. **In the C1 District, the existing residential uses shall be subject to the regulations for that particular type of dwelling as defined in the R1 district. In the LO District, the existing and future residential uses shall be subject to the regulations for that particular type of dwelling as defined in the R1 district.**

Note 15. **The requirement for meeting the required Town setbacks will be waived for failed systems on existing lots of record. State required setbacks can be used for failed systems only.**

Acting Chairman Topliff opened the public hearing 8:00 p.m.

There being no comments from the Board or the public, Acting Chairman Topliff closed the public hearing at 8:01 p.m.

MOTION: Selectmen's Rep. Lewis moved to amend (1) Note 7 by separating C1 and LO to show that C1 deals with existing residential uses and LO deals with existing and new residential uses, and (2)

Note 15 by removing the last sentence and send the Amendment as moved to a second public hearing on January 26, 2010. Seconded by Member Cruson.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 L. Young – Y K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO AMEND (1) NOTE 7 BY SEPARATING C1 AND LO TO SHOW THAT C1 DEALS WITH EXISTING RESIDENTIAL USES AND LO DEALS WITH EXISTING AND NEW RESIDENTIAL USES, AND (2) NOTE 15 BY REMOVING THE LAST SENTENCE AND SEND THE AMENDMENT AS MOVED TO A SECOND PUBLIC HEARING ON JANUARY 26, 2010 PASSED ON A 7-0 VOTE.

4. Amendment 4. §143-35.1 Outdoor Storage of a Boat, Recreational Vehicle, Camping Trailer, or Motor Vehicles. To amend the Zoning Ordinance to add provisions for the outdoor storage of a boat, recreational vehicle, camping trailer, or other motor vehicles.

In all Districts except C1, any boat, recreational vehicle, or camping trailer stored on any lot shall be owned by the property owner or occupant of the residence.

On any lot in any District, not more than two (2) unregistered motor vehicles or trailers may be stored, except in a licensed junk yard as defined in RSA 236:112. All motor vehicles in excess of the two (2) unregistered motor vehicles or trailers must bear a valid inspection sticker. Any motor vehicles offered for sale must belong to the property owner or occupant of the residence.

The storage of antique, specialty, or collectible motor vehicles by legitimate hobbyists may be permitted by the Code Enforcement Officer.

Authorized storage units are exempted from these provisions.

Mr. Hodge stated that there have been a number of vehicles parked along Pembroke Street that are for sale and not owned by the property owner. Because of the number of complaints by abutters, the need for a tool to enforce the ordinance stating that the vehicles must belong to the property owner seemed reasonable.

Ms. Alexander noted that Town Counsel (1) questioned whether the Town wanted to make a distinction between the C1 and other districts and suggested appropriate language to do so; (2) Suggested adding the word “outdoors” to §143-35.1[B] and eliminating the last sentence; (3) Add “residential lot” to 143.35.1[C]; and (4) Add the word “outdoor” and delete the text following “RSA 236:11-a, III.”.

It was the Board’s concern that, although Mr. Everett would only respond to complaints by abutters in order to enforce this ordinance, there was no guarantee that future Code Enforcement Officers would not patrol the Town in search of offenders.

Alternate Member Nowe and Member Cruson said that property owners should be able to do what they want with their property as long as it does not infringe on someone else's rights or diminish property values. Member Young said that it was an unnecessary law and defies what living in NH is all about.

Acting Chairman Topliff opened the public hearing at 8:21 p.m.

Diane Schuett, 533 Pembroke Street, said that she owns a camper that is presently stored on a friend's property. Although she does not want to see lots become junkyards, as long as the resident has paid their taxes to Pembroke, they should be able to store items on their property. She urged the Board to vote down this amendment.

Jack Lewis, Bow Lane, stated that many people are selling items on their property in order to pay their taxes and should be allowed to do so.

George Fryer, Rowe Avenue, said he would prefer to see a limit on the number of vehicles stored.

Mr. Jodoin asked: (1) Whether multiple vehicles stored along Route 3 interfere with Rt. 3's Architectural District?; (2) Whose interpretation would define junk?; and (3) Does the Board want Rt. 3 to look like Hooksett?. He asked that the Board consider stipulating the number of vehicles. He also agreed that Mr. Hodge needs clarification on what he can enforce.

Mr. Hodge said that the State RSA limits and defines the number of stored vehicles as eight "roadworthy" vehicles.

There being no further comments from the Board or the public, Acting Chairman Topliff closed the public hearing at 8:36 p.m.

MOTION: Member Krebs moved to remove the Amendment from consideration at the March 2010 Town Meeting. Seconded by Member Cruson.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 L. Young – Y K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO REMOVE THE AMENDMENT FROM CONSIDERATION AT THE MARCH 2010 TOWN MEETING PASSED ON A 7-0 VOTE.

Acting Chairman Topliff asked Ms. Alexander to place this topic on a future agenda for discussion by the Board.

- 5. **Amendment 5. §143-68. Aquifer Conservation (AC) District.** To amend the Zoning Ordinance to require Pembroke Water Works to review special use permits within the Aquifer Conservation District.

C. Special use permit: Any use permitted in the underlying district, except these which are expressly prohibited in section D, above, shall be reviewed by the Planning Board, **and** the Health Officer, **and** **Pembroke Water Works**, and shall conform to the provisions of this section. Special use permits may be granted by the Planning Board subject to the following additional limitations:

Town Counsel had no recommendations.

In order to clarify the process to which the Pembroke Water Works' would undertake with this Amendment change, it was agreed that the Board would discuss it prior to March 2010 Town Meeting. It was suggested that the completion of a checklist may be all that would be necessary for them to do.

Acting Chairman Topliff opened the public hearing at 8:42 p.m.

There being no comments from the Board or the public, Acting Chairman Topliff closed the public hearing at 8:43 p.m.

MOTION: Member Krebs moved to accept revisions to any typographical errors or insubstantial errors found; and to send the amendment as moved for consideration at the March 2010 Town Meeting. Seconded by Ms. Cruson.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 L. Young – Y K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO ACCEPT REVISIONS TO ANY TYPOGRAPHICAL ERRORS OR INSUBSTANTIAL ERRORS FOUND, AND TO SEND THE AMENDMENT AS MOVED FOR CONSIDERATION AT THE MARCH 2010 TOWN MEETING PASSED ON A 7-0 VOTE.

Acting Chairman Topliff instructed Ms. Alexander to invite the Pembroke Water Works to the Board's next work session to discuss the procedure associated with this amendment.

6. **Amendment 6. §143-72. Wetlands Protection (WP) District.** To amend the Zoning Ordinance to extend the time the Conservation Commission has for review of special use permits within the Wetlands Protection District.

D. Special use permits.

(1) The application for such special use permit having been referred by the Planning Board to the Conservation Commission and reported thereon prior to the public hearing or ~~30~~ **45** days having lapsed following such referral without receipt of such report.

A discussion as to the need for the extension of the Conservation Commission review to 45 days concluded that the change may extend the Planning Board decision to 60 days. It was suggested that,

should the Board feel that a report by the Conservation Commission was crucial to the Planning Board's decision on an application, the Board could, at its discretion, continue the public hearing.

Acting Chairman Topliff opened the public hearing at 8:56 p.m.

There being no comments from the Board or the public, Acting Chairman Topliff closed the public hearing at 8:57 p.m.

MOTION: Member Krebs moved to remove the Amendment from consideration at the March 2010 Town Meeting. Seconded by Member Cruson.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 L. Young – Y K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO REMOVE THE AMENDMENT FROM CONSIDERATION AT THE MARCH 2010 TOWN MEETING PASSED ON A 7-0 VOTE.

The Board recessed at 8:59 p.m.

Acting Chairman Topliff continued the meeting at 9:05 p.m.

7. Amendment 7. Article X. Open Space Subdivision Provisions. To replace the existing Open Space Subdivision Provisions with a new Open Space Development Ordinance available for review in a separate document.

Acting Chairman Topliff recapped that the "cluster" subdivision ordinance was difficult for the public to understand and implement. With the help of CTAP money, the Board hired a consultant to revise the "cluster" subdivision ordinance and, in doing so, rename it "open space subdivision".

Ms. Alexander reviewed Town Counsel's comments and recommendations.

The consensus of the Board was that Town Counsel did not have a clear understanding of the Board's intent at the time that the ordinance was revised. They felt that Town Counsel's revisions (1) would not allow the Board the flexibility associated with Special Use Permits; and (2) that the incentive to create an open space development would be lost. The Board did not agree that it could waive dimensional requirements. It was their opinion that only the ZBA could grant waivers.

The consensus of the Board was not to change the original amendment and to meet with Town Counsel in 2010 to clarify waivers and discuss the Board's original intent.

Acting Chairman Topliff opened the public hearing at 9:38 pm.

There being no comments from the Board or the public, Acting Chairman Topliff closed the public hearing at 9:39 p.m.

MOTION: Member Krebs moved to send the unrevised version of the Amendment to a second public hearing on January 26, 2010. Seconded by Member Seaworth.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 L. Young – Y K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO SEND THE UNREVISED VERSION OF THE AMENDMENT TO A SECOND PUBLIC HEARING ON JANUARY 26, 2010 PASSED ON A 7-0 VOTE.

8. Amendment 8. Article XVII, Growth Management Ordinance. To amend the Growth Management Ordinance to extend the effective dates for one year.

§143-139. Effective dates.

This article becomes effective at 12:00 AM April 1, ~~2009~~ **2010** and shall remain in effect until 11:59 PM March 31, ~~2010~~ **2011**.

The Board reviewed comments from Town Counsel.

The document entitled “2010 Building Permit Limitation”. It was agreed that “2009 Residential Building Permits Issued” should be changed to 48 which would result in the “Total 2010 Residential building Permits Available” be changed to 73. Acting Chairman Topliff directed Ms. Alexander to update the Permit Limitation document.

Acting Chairman Topliff opened the public hearing at 10:03 p.m.

There being no comments from the Board or the public, Acting Chairman Topliff closed the public hearing at 10:04 p.m.

Member Cruson did not feel that Pembroke had objective information to justify a Growth Management Ordinance.

Selectmen’s Rep. Lewis questioned the accuracy of the reported sewage capacity (18,000 gallons).

Acting Chairman Topliff directed Ms. Alexander to update the figures on the 2010 Building Permit Limitation and verify the sewer capacity figure.

Selectmen’s Rep. Lewis stated that the residents at Town Meeting originally voted to have a Growth Management Ordinance and, therefore, in her opinion, the vote to keep it should be decided at Town Meeting.

MOTION: Selectmen’s Rep. Lewis moved to send the Amendment to a second public hearing on January 26, 2010. Seconded by Member Krebs.

VOTE: A. Topliff – N C. Lewis – Y B. Seaworth – N
 L. Young – N K. Krebs – Y K. Cruson – N R. Nowe – Y

MOTION TO SEND THE AMENDMENT TO A SECOND PUBLIC HEARING ON JANUARY 26, 2010 WAS DEFEATED ON A 4-3 VOTE.

MOTION: Member Seaworth moved to remove the Amendment from consideration at the March 2010 Town Meeting. Seconded by Member Young.

VOTE: A. Topliff – Y C. Lewis – N B. Seaworth – Y
 L. Young – Y K. Krebs – N K. Cruson – Y R. Nowe – N

MOTION TO REMOVE THE AMENDMENT FROM CONSIDERATION AT THE MARCH 2010 TOWN MEETING PASSED ON A 4-3 VOTE.

Acting Chairman Topliff stated that earlier in the meeting the Board discussed amending the Table of Uses, under the Open Space Ordinance, to allow open space in the R1, R3, LO Districts but never followed through. Therefore, in order to consider that point, Amendment 7 would have to be reconsidered.

MOTION: Member Krebs moved to reconsider Amendment 7. Seconded by Member Young.

VOTE: A. Topliff – Y C. Lewis – N B. Seaworth – Y
 L. Young – Y K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO RECONSIDER AMENDMENT 7 PASSED ON A 6-1 VOTE.

Ms. Alexander asked that the record show that everyone present was also present for discussion for the public hearing on Amendment 7.

Acting Chairman Topliff opened the public hearing at 10:19 p.m. to amend the Table of Uses in order to be in concert with the language in the Open Space Subdivision.

There being no comments from the Board or the public, Acting Chairman Topliff closed the public hearing at 10:21 p.m.

MOTION: Member Krebs moved to (1) send the unchanged version of Amendment 7 to a second public hearing on January 26, 2010; (2) amend the Table Of Use to permit the open space development in R1, R3 and LO and (3) remove “rural” from the Table of Use description. Seconded by Member Cruson.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 L. Young – Y K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO (1) SEND THE UNCHANGED VERSION OF AMENDMENT 7 TO A SECOND PUBLIC HEARING ON JANUARY 26, 2010; (2) AMEND THE TABLE OF USE TO PERMIT THE OPEN SPACE DEVELOPMENT IN R1, R3 AND LO AND (3) REMOVE “RURAL” FROM THE TABLE OF USE DESCRIPTION PASSED ON A 7-0 VOTE.

9. Amendment 9. Article XVIII. Special Use Permits. To add a new Article to the Zoning Ordinance, available for review in a separate document, setting forth the procedures and requirements for issuance of special use permits by the Planning Board.

It was suggested that, in the future, the Board should have Town Counsel present to explain her suggested changes to the Amendments before they are presented at Town Meeting.

Acting Chairman Topliff opened the public hearing at 10:30 p.m.

Mr. Fryer said that he felt strongly that the Planning Board is in a better position to evaluate a Special Use Permit than the Zoning Board because they are more familiar with the entire project.

There being no comments from the Board or the public, Acting Chairman Topliff closed the public hearing at 10:31 p.m.

Selectmen’s Rep. Lewis cautioned the Board about accepting only selected changes recommended by Town Counsel rather than all the changes.

MOTION: Member Seaworth moved to bring the Amendment to a second public hearing on January 26, 2010 with the following changes:

143-40 Purpose of a Special Use Permit – Do not change from original draft prepared by the Planning Board.

143-141 Planning Board to Administer.

Remove the first two sentences as suggested by Town Counsel. Replace with Town Counsel language: “The authority to grant and administer special use permits shall be vested in the Planning Board. A special use permit shall . . . if such approval is removed.”

143-142 Application and Review Procedure

A. Procedure if Subdivision or Site Plan Approval Also Required - Accept Town Counsel’s changes: “Where other required development . . . shall be made concurrently or concurrently with such other application(s) in accordance . . .”

143-44 Standards of Review.

The first paragraph will read: “In reviewing an application of a special use permit, the Planning Board . . . deliberation, including but not limited to, as applicable to the case:”

Remove E: “The findings, goals and objectives of the Master Plan; and”

Insert E: "Other considerations by the Board in order to make an informed decision; and"

143-145 Hearing and Decision

Remove the first two sentences: "Every decision of the Planning Board . . . on the proposed use."

Insert as the first sentence: "The Planning Board shall issue a special use permit, if it finds, based on the information and testimony submitted with respect to the application, that:"

A. "The use is specifically . . . as a special use." Do not accept Town Counsel's changes.

143-146 Accept Town Counsel's change: Rename as "Conditions of Approval"

143-147 Denial of Application: Do not remove. Do not revise.

143-148 Revocation: To read as follows: "In the event . . . with any condition of approval, the Code Enforcement Officer may suspend any special use permit immediately and shall notify the Planning Board. The Planning Board shall set a date for a hearing before it to determine . . . shall be revoked. In the case of a revocation . . . jurisdiction."

Seconded by Member Krebs.

VOTE:	A. Topliff – Y	C. Lewis – N	B. Seaworth – Y	
	L. Young – Y	K. Krebs – N	K. Cruson – Y	R. Nowe – Y

MOTION TO BRING THE AMENDMENT TO A SECOND PUBLIC HEARING ON JANUARY 26, 2010 WITH THE FOLLOWING CHANGES:

143-40 PURPOSE OF A SPECIAL USE PERMIT – DO NOT CHANGE FROM ORIGINAL DRAFT PREPARED BY THE PLANNING BOARD.

143-141 PLANNING BOARD TO ADMINISTER.

REMOVE THE FIRST TWO SENTENCES AS SUGGESTED BY TOWN COUNSEL. REPLACE WITH TOWN COUNSEL LANGUAGE: "THE AUTHORITY TO GRANT AND ADMINISTER SPECIAL USE PERMITS SHALL BE VESTED IN THE PLANNING BOARD. A SPECIAL USE PERMIT SHALL . . . IF SUCH APPROVAL IS REMOVED."

143-142 APPLICATION AND REVIEW PROCEDURE

A. PROCEDURE IF SUBDIVISION OR SITE PLAN APPROVAL ALSO REQUIRED - ACCEPT TOWN COUNSEL'S CHANGES: "WHERE OTHER REQUIRED DEVELOPMENT . . . SHALL BE MADE CONCURRENTLY OR CONCURRENTLY WITH SUCH OTHER APPLICATION(S) IN ACCORDANCE . . ."

143-44 STANDARDS OF REVIEW.

THE FIRST PARAGRAPH WILL READ: “IN REVIEWING AN APPLICATION OF A SPECIAL USE PERMIT, THE PLANNING BOARD . . . DELIBERATION, INCLUDING BUT NOT LIMITED TO, AS APPLICABLE TO THE CASE:”

REMOVE E: “THE FINDINGS, GOALS AND OBJECTIVES OF THE MASTER PLAN; AND”

INSERT E: “OTHER CONSIDERATIONS BY THE BOARD IN ORDER TO MAKE AN INFORMED DECISION; AND”

143-145 HEARING AND DECISION

REMOVE THE FIRST TWO SENTENCES: “EVERY DECISION OF THE PLANNING BOARD . . . ON THE PROPOSED USE.”

INSERT AS THE FIRST SENTENCE: “THE PLANNING BOARD SHALL ISSUE A SPECIAL USE PERMIT, IF IT FINDS, BASED ON THE INFORMATION AND TESTIMONY SUBMITTED WITH RESPECT TO THE APPLICATION, THAT:”

A. “THE USE IS SPECIFICALLY . . . AS A SPECIAL USE.” DO NOT ACCEPT TOWN COUNSEL’S CHANGES.

143-146 ACCEPT TOWN COUNSEL’S CHANGE: RENAME AS “CONDITIONS OF APPROVAL”

143-147 DENIAL OF APPLICATION: DO NOT REMOVE. DO NOT REVISE.

143-148 REVOCATION: TO READ AS FOLLOWS: “IN THE EVENT . . . WITH ANY CONDITION OF APPROVAL, THE CODE ENFORCEMENT OFFICER MAY SUSPEND ANY SPECIAL USE PERMIT IMMEDIATELY AND SHALL NOTIFY THE PLANNING BOARD. THE PLANNING BOARD SHALL SET A DATE FOR A HEARING BEFORE IT TO DETERMINE . . . SHALL BE REVOKED. IN THE CASE OF A REVOCATION . . . JURISDICTION.”

PASSED ON A 5-2 VOTE.

10. Other Business

a. Planner Items

i. Nicole’s Greenhouse letter requesting clarification of “trees” vs “shrubs/greenery”

After a brief discussion, Acting Chairman Topliff directed Ms. Alexander to send the Applicant a letter clarifying that the Board would like to see evergreen trees, 6-8 ft. tall, spaced appropriately to provide visual screening to abutting properties.

MOTION: Acting Chairman Topliff moved to postpone the review of the Meeting Minutes for December 8, 2009 until the next meeting. Seconded by Member Krebs. Unanimously approved.

Miscellaneous

11. Correspondence

- a. Code Enforcement: Harrison/Johnson farm stand cease and desist issued – Selectmen reversed decision on January 4.

Selectmen's Rep. Lewis noted that Mr. Jodoin received a letter from the Applicant that he will not be submitting a site plan.

MOTION: Member Krebs moved to adjourn. Seconded by Acting Chairman Topliff.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 11:05 p.m.

Respectfully submitted,
Jocelyn D. Carlucci, Recording Secretary