

**ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
(ADOPTED)
October 24, 2022**

MEMBERS PRESENT: Bruce Kudrick, Chairman; Thomas Hebert, Vice Chairman; Dana Carlucci; Paul Paradis

ALTERNATES PRESENT: Robert Bourque; Blakely Miner III,

EXCUSED: Natalie Glisson; Wendy Chase

STAFF PRESENT: Paul Bacon, Code Enforcement Officer

Chairman Kudrick called the public hearing to order at 7:00 p.m.

Roll call was taken by the Reporting Secretary who also read the first case aloud.

I. Public Hearing

New Cases

Case 22-09-Z A request has been made for a **Special Exception under Article IV Use Regulations, § 143-19 Table of Use Regulations, Community Facilities, #10**. The applicant, Fieldstone Land Consultants, PLLC, representing Live Free Recovery Services, LLC c/o Joel Asadoorian, of 273 Currier Rd., Candia, NH, 03034, is requesting a **Special Exception to allow a residential drug treatment/detox facility at the former site of the TD Bank**. The property is located at 50 Glass St., Map VE, Lot 137, in the B-2, Central Business District, and is owned by McDall, LLC, c/o David A. Moore.

Applicant: Live Free Recovery Services, LLC c/o Joel Asadoorian
273 Currier Road
Candia, NH 03034

Property Owner(s): McDall LLC c/o David A. Moore

Property Address: 50 Glass Street
Tax Map VE, Lot 137 in the B-2, Central Business District.

Included in the Member Packets: Application for a Special Exception; Authorization Letter dated September 29, 2022 from Joel Asadoorian of McDall, LLC; Zoning Board of Adjustment Fee Schedule Worksheet; Letter from Craig S. Donais of Wadleigh, Starr & Peters, P.L.L.C. dated May 12, 2022; Email from Anne Knight to Ryan Gagne dated July 4, 2022 7:31:04 PM; Email from George Hanse to Ryan Gagne dated July 3, 2022 10:06:54 AM; letter from Keith F. Thibault of Southwestern Community Services dated

July 5, 2022; Live Free Recovery Services Good Neighbor Policies; Existing Conditions Plan and Zoning Exhibit Plan by Fieldstone Land Consultants, PLLC.

Chairman Kudrick appointed Alternate Member Miner to vote in place of Member Glisson.

After determining that the majority of the public in attendance was for **Case 22-09-Z**, which numbered more than safety standards allowed at Town Hall, Chairman Kudrick asked that a motion be made to move said Case to a future date and place.

MOTION: Vice Chairman Hebert moved to continue **Case 22-09-Z** to November 28, 2022 at 7 pm to the Pembroke Academy cafeteria. Seconded by Member Carlucci.

VOTE:	B. Kudrick – Yes	T. Hebert – Yes	D. Carlucci – Yes
	P. Paradis - Yes	B. Miner - Yes	

The Reporting Secretary read the second case aloud.

Case 22-08-Z A request has been made for a **Variance under Article V Dimensional and Density Regulations, § 143-21, E, Lot Depth**. The applicant, S&H Land Services, LLC of 141 Londonderry Turnpike, Hooksett, NH, 03106, representing MDR Rehab & Development, LLC, is requesting a **Variance to subdivide a lot into two parcels wherein one parcel has an average depth of 118.5 feet where 120 feet is required**. The property is owned by MDR Rehab & Development, LLC, P.O. Box 653, Goffstown, NH, 03045. The property is located at 15 Lindy St., Map VW, Lot 58, in the R-1 Medium Density-Residential Zoning District.

Applicant: S & H Land Services, LLC
114 Londonderry Turnpike
Hooksett, NH 03106

Property Owner(s): MDR Rehab & Development, LLC

Property Address: 15 Lindy Street
Tax Map VW, Lot 58 in the R-1 Medium Density-
Residential Zoning District.

Included in the Member Packets: Application for a Variance; Authorization Letter dated September 28, 2022 from Ray McMahon of MDR Rehab & Development, LLC; Abutters List; Zoning Board of Adjustment Fee Schedule Worksheet; Email from Carolyn Cronin to Pembroke Building Inspector dated October 3, 2022 9:12 AM, 2 Subdivision Plans by S&H Land Services, LLC.

Present: Rob Degan of S & H Land Services, LLC and Ray McMahon of MDR Rehab and Development

Chairman Kudrick assigned Alternate Member Miner to vote in place of Member Glisson.

Chairman Kudrick read aloud the rules governing the hearing: (1) Applicant will present its case; (2) Those in favor of the application will speak; (3) Those opposed to the application will speak; (4) Rebuttal by the applicant and those in favor of the application will speak; (5) Rebuttal by those in opposition to the application will speak.

He stated that anyone wishing to speak must first give their name, address, and interest in the case. All questions and comments will be directed to the Chairman. The Board will base their decisions on facts presented by the applicant. If any of the presented facts are found to be different than what was presented, the Board reserves the right to reconsider its approval.

As requested by Chairman Kudrick, the Applicant read the application aloud:

Please give a detailed description of your proposal below.

The applicant seeks to subdivide the parcel at 15 Lindy Street, creating one additional residential lot. Due to the unconventional shape of the lot, the remaining lot (with the existing house) would not meet the average lot depth requirement, although a portion of the lot exceeds the minimum depth requirement. The average depth over the remaining frontage is 118.5', where 120' is required. They are seeking relief for 1.5' for the average depth ordinance. The proposed new lot would have full compliance with the ordinance.

1. **The variance will not be contrary to the public interest.** The existing use is a single-family residence, which is allowed in the zone. The house sits in the part of the lot that has the greatest lot depth, so there is adequate space behind the structure and there is no new construction proposed. The new lot will be fully compliant with the zoning ordinance. Thus there would be no impact on the public.
2. **The spirit of the ordinance is observed.** The proposed subdivision would have no adverse impact on public health, safety or welfare, nor would it cause over-crowding, or undue burden on public resources and utilities.
3. **Substantial justice is done.** The applicant's lot is of an unusual shape. The proposed vacant lot for new construction would be fully compliant with the zoning ordinance. The lot that inherits the unusual shape will have significantly more frontage and lot size than are required, and the deficiency in average lot depth is only 1.5 feet.

4. **The values of surrounding properties are not diminished.** The use is allowed in the zone, and no material change will be made to the existing house as a result of the application. A brand-new house will be constructed on the newly created lot. None of this will have a negative impact on the value of surrounding property.
5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.** (A) For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area: (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) the proposed use is a reasonable one. The existing lot has an unusual shape. The lot for which relief is requested will have area and frontage well in excess of what is required, and needs only a minor variance from the depth requirement. This will allow a reasonable use of the land while accommodating the unusual shape of the lot.

If the criteria in subparagraph (A) are not established, and unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use of it.

Chairman Kudrick asked that anyone in favor of the Case speak:

Joan Bussiere, 4 Union Street, noted that High Street and Lindy Street are narrow deadend streets with no sidewalks. She asked if there would be one house on each lot or apartments which would increase traffic.

He asked that anyone opposed to the Case speak:

Ian Hard, 11 Pine Street, asked if the intended construction was a single family home and what would be done to protect the children playing in the area during construction.

Joan Bussiere, 4 Union Street, also asked if the intent was to extend Lindy Street to another street such as Broadway, which would create more problems.

The Recording Secretary read aloud the September 30, 2022 12:30 pm email from Kathleen Boulet to Carolyn Cronin.

Mr. Degan said that they will not be building apartments. There is an existing single family home on one lot and there will be one single family home built on the other lot.

With regard to construction concerns, Mr. Degan said that on Mr. McMahon's other jobs, he has put up orange construction fencing which should serve as a sign to people to keep out.

With regard to the sewer and ledge issue brought up in Ms. Boulet's email, Mr. Degan said that he is working with the Sewer Department to address that. The intent is to leave the existing sewer system of the existing house where it is and tie into it from the service of the new house which will result in no blasting on site. The house falls into the recently implemented MS4 District, and they are preparing a storm water management plan to eliminate any runoff. The runoff levels cannot be increased.

With regard to water, there is Town water available. The water line goes in front of the existing property. The water shutoff is by the proposed corner of Lot 15. The intent is to tie into the line below that lot.

Rebuttal:

Gary Bokum, 50 Broadway, said that there was an underground oil tank on that property and asked if it was removed.

Mr. McMahon said that the tank has been located and flagged. It will be taken care of.

Steve Fowler, 443 N. Pembroke Road, asked if the existing sewer was in the road on the Town side.

Mr. Degan said that they do not have a clear understanding of that yet but are working with a company who will be marking it. The intent is that it will come out of the existing house and run down the road to approximately the utility pole and then connect to the sewer main just below the existing manhole that holds the line. Since it will be crossing the proposed lot, they will be acquiring an easement to allow the line to remain on one lot and be maintained by the owners as needed. They think that the line meets the 6-inch standard. The existing sewer line going to the house is privately owned. The sewer department has very little information on it. The main line on Lindy Street is Town-owned. The manhole is a deadend line. It was erroneously drawn on the builder's plan.

There were no further questions from the Board or the public.

Chairman Kudrick summarized the case as follows: **Case 22-08-Z, a Variance under Article V Dimensional and Density Regulations, §143-21, Lot Depth** for a two-lot subdivision on Lindy Street. One parcel has an average depth of 118.5 feet where 120 feet is required. The new construction will consist of one single-family home. There was concern about traffic and children playing. They discussed ledge and the sewer line on

the property. The existing home will remain on one lot. It will not be a duplex. They will get an easement from the existing line to the Town sewer. There will be a sewer easement on Lot 58-2 to tie into the sewer. The existing underground oil tank is on Lot 58-2 and will be removed. The sewer ends at the existing manhole.

Chairman Kudrick stated that the Board will decide all cases within 30 days. The Notice of Decision will be posted for public inspection within 5 business days of the decision and will be sent to the applicant. The Board will either approve, deny, or continue deliberation on the case. No comments will be taken from the audience.

Chairman Kudrick officially closed the hearing at 7:26 p.m.

ZONING BOARD MEMBER DELIBERATIONS:

Alternate Member Miner confirmed that the Board is only looking at the variance pertaining to the 1.5 ft. depth shortage on one lot. The case will be going to the Planning Board where they will discuss the underground oil tank, the sewer line and sewer easement, and construction of a single family home. The Chairman agreed.

1. **The variance will not be contrary to the public interest.** Member Carlucci said that it was a tight neighborhood prior to zoning and the lots do not conform to today's standards.

Chairman Kudrick said that they have 141' of frontage and 118' along the rear. He did not think that 1.5' would cause a problem with regard to public interest. The Board agreed.

2. **The spirit of the ordinance is observed.** Chairman Kudrick said that all the village lots are small. The Board agreed and felt that the spirit of the ordinance is observed.
3. **Substantial justice is done.** Member Carlucci said that the variance will provide a house lot in a residential neighborhood which would not cause over-crowding. The Board agreed.
4. **Property values are not diminished.** Chairman Kudrick said that there was no evidence presented that property values would be diminished. Member Hebert pointed out that new construction increases surrounding property values. The Board agreed.
5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

(A) For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area: (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) the proposed use is a reasonable one.

Chairman Kudrick said that the hardship is in the way that the land is shaped because the town owns a portion of the property in the back lower corner.

(B) If the criteria in subparagraph (A) are not established, and unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable reasonable use of it.

Vice Chairman Hebert said that this is in reference to **Case 22-08-Z** – a request for a variance having been presented to the Board for consideration. A variance is required because the proposed subdivision would create a lot that does not comply with the average depth requirements as outlined in the zoning regulations.

MOTION: Vice Chairman Hebert moved to approve the application (**Case 22-08-Z A Variance under Article V Dimensional and Density Regulations, §143-21, E, Lot Depth**), as presented with the following conditions: (1) Must follow all State and local regulations; and (2) Development must adhere to the submitted plans except to the extent that such plans are reasonably modified through the Planning Board Site Plan Review process with plans approved by the Planning Board being considered the final plans. Seconded by Member Carlucci.

VOTE:	B. Kudrick – Yes	T. Hebert – Yes	D. Carlucci – Yes
	P. Paradis - Yes	B. Miner - Yes	

MOTION TO APPROVE THE APPLICATION (Case 22-08-Z A VARIANCE UNDER ARTICLE V DIMENSIONAL AND DENSITY REGULATIONS, §143-21, E, Lot Depth), AS PRESENTED WITH THE FOLLOWING CONDITIONS: (1) MUST FOLLOW ALL STATE AND LOCAL REGULATIONS; and (2) DEVELOPMENT MUST ADHERE TO THE SUBMITTED PLANS EXCEPT TO THE EXTENT THAT SUCH PLANS ARE REASONABLY MODIFIED THROUGH THE PLANNING BOARD SITE PLAN REVIEW PROCESS WITH PLANS APPROVED BY THE PLANNING BOARD BEING CONSIDERED THE FINAL PLANS PASSED ON A 5-0 VOTE.

Chairman Kudrick called the public hearing to order at 7:34 PM and stated that Alternate Member Bourque would vote in place of Member Glisson.

The Reporting Secretary read the case aloud.

Case 22-10-Z A request has been made for an **Appeal of Administrative Decision under Article XIV, Zoning Board of Adjustment, Variances, and Special Exceptions, §143-112, Appeal of a decision made by the Code Enforcement Officer**. The applicant, Pedro Avila, P.O. Box 1681, Concord, NH, 03302 is appealing the **Denial of a Building Permit** by the Code Enforcement Officer to build on a Class VI road. The applicant seeks a determination by the Board to establish that the lot is a buildable lot in accordance with §143-103. The property is owned by Kenneth Clement and is located at 653 Sixth Range Rd., Map 561, lot 91, in the R-3 Rural/Agricultural-Residential District.

Applicant: Pedro B. Avila
PO Box 1681
Concord, NH 03102

Property Owner(s): Kenneth R. Clement

Property Address: 653 Sixth Range Road
Tax Map 561, Lot 91 in the R-3 Rural/Agricultural-Residential Zoning District.

Included in the Member Packets: Application for an Appeal from an Administrative Decision; Authorization Letter dated August 24, 2022 from Kenneth Clement; List of Abutters; Zoning Board of Adjustment Fee Schedule Worksheet; Tax Map; Assessment Card, Range Road Subdivision Plans (2).

Present: Pedro B. Avila

As requested by Chairman Kudrick, the Applicant read the application aloud:

Please state the decision that you would like reviewed.

I am requesting a variance to attain a building permit, for the construction of a single family dwelling unit with 3 bedrooms and 2-1/2 baths on a lot of record, which does not comply with zoning §143-103; said lot was of record as of April 28, 1976 (Exhibit 1) prior to the 2006 zoning amendment; which requires lots of record to have frontage.

No one spoke in favor of the case.

Mr. Bacon said that the current zoning ordinance maintains that in order to receive a building permit the lot needs to be on a Class V or better road. This lot is on a Class VI

road. The property was the subject of a court case in 1994-1995 and the Town Attorney recently reviewed the case.

The case was about the same thing that is being considered today – denial of a building permit. The court decision required the Town of Pembroke to issue a building permit. The position of the Town Attorney is that court orders like this do not expire and even though significant time has passed, a denial of the current request would likely expose the Town to the claim that it is in contempt for violating that court order. The Attorney's recommendation is that the Board overturn Mr. Bacon's decision to deny the permit.

Chairman Kudrick stated that the Code Enforcement Officer denied the permit because he followed the rules and ordinances of the Town of Pembroke and since the property owner does not have frontage on a Class V or better road, he could not issue a building permit. It was later found that there was a court case in 1994-1995 on the same property. The Court ruled that the Town must give the property owner/applicant a building permit.

James Quin, 649 Sixth Range Road, said that when his house was built in 2006, the contractor attempted to get a building permit for both lots and was denied. Mr. Quin said that the only reason he bought his home was because the lots on both sides of his house were unbuildable. He said that his property value will diminish if a building permit is given for this lot. The road is narrow and he has maintained it for 17 years. He tried twice to get a building permit for that lot and was denied and did not feel that Mr. Avila should be any different.

Chairman Kudrick said that, with regard to this particular court case, the court's decision says that the Board must give the applicant a permit or the Town could be taken to Court. The decision goes with the land and does not expire. He said that the Town's hands are tied because of the Court Order of 1994-1995.

Kim Smith, 605 Borough Road, said that her property abuts the property in question and they bought their property because it was a nonbuildable lot. She asked if the applicant gets a building permit, would her lot become a buildable lot?

Mr. Bacon said that it is possible if she can prove that her lot was a "lot of record" at the time that the zoning ordinance did not preclude people from building on a Class VI road. He said that a "lot of record" has a specific definition.

Alternate Member Bourque said that in order to prove a "lot of record", a person can show a subdivision plan signed by the Planning Board or go to Merrimack County Registry of Deeds and prove that the lot was part of a subdivision prior to 2006. Once that has been done, the applicant can receive a building permit – not by the Code Enforcement Officer, but based on the law, through a process and receive the building permit from the Board of Selectmen.

Mr. Bacon said that the only reason the applicant has a good case for the Town to give him a building permit is because of the 1994-1995 court case. The case only came to light 3 months ago.

Steven Smith, 605 Borough Road, said that he has owned his lot for over 40 years and was told that all the lots along the range road were unbuildable. If all the lots along Sixth Range Road are part of an earlier subdivision, he asked if that meant that all the lots are “lots of record” and buildable?

Chairman Kudrick said that they would have to review RSA #674-41 which applies to Class VI roads. He also said that, on the advice of the Town’s legal counsel, the ZBA must follow the rules and the Court order.

Alternate Member Bourque said that in order to have a new interpretation of the decision, someone would have to bring it to court.

Alternate Member Bourque stated that, the way the law reads, if you have a lot of record for one residence and you choose to subdivide that lot, you must conform to today’s regulations which only allows a building on a Class V or better road.

He clarified that the original case was to build a fence and a shed but the applicant really meant a fence and a house.

Mr. Bacon said that the judge clearly stated in the court documents that it was clear that the applicant intended to put up a house and not a shed.

Member Carlucci said that the Board heard a similar case a few weeks ago and the RSA stated that the applicant had to go through the Board of Selectmen.

Mr. Bacon said that, this is a different case and the judge said that the Town must issue a building permit for a residence.

When asked who would issue the building permit for the property referred to in the Court Case, Chairman Kudrick said that the Code Enforcement Officer would. On any other case, it would fall on the process which states that the Code Enforcement Officer cannot give a building permit on a Class VI road, which would then be denied by the ZBA, and then proceed to the Board of Selectmen and the Planning Board.

Alternate Member Bourque asked if the Town would require a release from the applicant to not hold the Town liable when Town services, such as fire, ambulance, etc. cannot get to the property. This property is over 500 ft. from the Class V road.

Member Carlucci said that he could not imagine the Town having any responsibility since it was not a Town decision to allow the applicant to build on the Class VI road – it was a Court Order.

Chairman Kudrick suggested that such a release be added to the motion. He said it is very important that the property owner know that the Town is not going to plow the road, pick up the garbage, and might not be able to get an ambulance, fire truck, or police to the residence because it is not a Town-approved road based on the RSA.

Mr. Bacon said that he is not sure that the ZBA can put a condition such as a release on a ZBA decision. He suggested that the case be continued until Town Counsel can advise the Board.

Jonathan Hoxie, 654 Sixth Range Road, said that a lot of runoff runs past the property and if the applicant does not install culverts and the road is washed out, who would be responsible to fix it? Also, who would address the road width?

Chairman Kudrick said that he would need clarification on that.

Vice Chairman Hebert said that, based on RSA 674:41 the Planning Board would address issues such as that.

Mr. Bacon said that there are steps to address runoff.

Vice Chairman Hebert agreed, in a normal present-day circumstance when an applicant is requesting a driveway permit. He did not think that the Department of Public Works would issue a driveway permit on a Class VI road since the Town does not maintain Class VI roads. In his opinion, the responsibility would fall to the people living out there.

The Board asked that the Case be continued so they could speak with Town Counsel regarding (1) adding conditions to a motion such as drainage/road culverts, (2) road maintenance, (3) the applicant releasing the Town of liability for Town services (trash removal, ambulance, fire, police, plowing)

Member Carlucci would like to read the minutes from the ZBA meeting pertaining to the 1994-1995 case. He said that he could not imagine any Town Board putting the Town in a liability situation when, now, the RSA spells out a process where the Board of Selectmen make the determination of granting a Building Permit.

Mr. Bacon said that the RSA 674:41 went into affect in 1983.

Mr. Bacon said that his understanding of the Court documents was that the applicant asked to build a shed but then it became apparent that his true intent was to build a residence.

Chairman Kudrick said that the applicant was denied a building permit for a shed and a fence. The Court determined that the shed was actually going to be a residence. The applicant took the case to court and won. The Town, per the Court Order, must give a building permit for a residence. Chairman Kudrick also clarified that the variance goes with the land. It does not expire.

Mr. Bacon said that if a house was built on the Class VI road, it would have to meet all of the Town's present requirements,

MOTION: Member Carlucci moved to continue **Case 22-10-Z** for clarification and additional information, to November 28, 2022 at 7:00 pm at the Pembroke Academy cafeteria. Seconded by Vice Chairman.

VOTE: B. Kudrick – Yes T. Hebert – Yes P. Paradis - Yes
P. Paradis – Yes R. Bourque – Yes

MOTION TO CONTINUE CASE 22-10-Z FOR CLARIFICATION AND ADDITIONAL INFORMATION, TO NOVEMBER 28, 2022 AT 7:00 PM AT THE PEMBROKE ACADEMY CAFETERIA.

The Board discussed the questions for Town Counsel to answer at a ZBA workshop.

Vice Chairman Hebert agreed with Alternate Member Bourque – RSA 674:41 is very clear that whoever owns that house will record at the Merrimack County Registry of Deeds that they are releasing the Town of any and all liability. He said that if the Town is not enforcing RSA 674:41, the Board needs to know if they can put wording to that affect in the Motion to protect the Town. He also asked if the two houses presently on that road recorded anything at the Merrimack County Registry of Deeds that releases the Town of any liability.

Mr. Bacon said that RSA 674:41 was in affect in 1984. He found a Zoning Ordinance dated 1985 that states that a residence must be built on a Class V or better road.

With that in mind, Member Carlucci asked if the Court might have erred in rendering its decision to allow a building permit on a Class VI road when RSA 674:41 and the 1985 Zoning Ordinance was clearly in existence prior to the 1994-1995 decision.

Chairman Kudrick reviewed questions to be addressed to Town Counsel:

- (1) Can the Zoning Board create a motion with conditions on an Appeal of Administrative Decision.
- (2) Can the Zoning Board require that the applicant release the Town of all liability for Town services such as trash removal, ambulance, fire, police, plowing, road maintenance (RSA 674:41).
- (3) Can said release be registered at the Merrimack County Registry of Deeds.
- (4) Can a driveway permit be given to a residence on a Class VI road.
- (5) Who is responsible for preventing and fixing any run-off issues;
- (6) Can a house on a Class VI road be allowed to build an ADU.
- (7) Would each lot on Sixth Range Road be able to receive a building permit on the 12-lot subdivision because of the one Court Case.

Chairman Kudrick reiterated that the reason that applicants wanting to build on a Class VI road are denied is because it is a life-safety issue. If housing is allowed on a Class VI road, it will open up the Town for all types of lawsuits when a Town service cannot get down the Class VI roads.

At this time, the Building Inspector cannot issue a Building Permit on a Class VI road. The applicant must go to the Board of Selectmen and the Planning Board to receive a Building Permit.

Alternate Member Bourque suggested that a more streamlined process for applicants who wish to build on a Class VI road be created. For example, first go to the Planning Board and then go before the Board of Selectmen. Presently, the applicant must go to the Building Inspector who will deny the permit, then go to the Zoning Board for the appeal of the Building Inspector's decision before proceeding to the Board of Selectmen.

Chairman Kudrick also said that it would be good for the Board of Selectmen to approach the State Representatives to explain the issues associated with this Case -- how each lot on a 12 lot subdivision on a Class VI road could receive building permits and that RSA 674:41 only requires that the owners sign waivers to release the Town of liability. They may wish to review and amend RSA 674:41.

Mr. Bacon will arrange a work session with Town Counsel to discuss the above points.

IV. Approval of Minutes – September 26, 2022

MOTION: VICE CHAIRMAN HEBERT MOVED TO APPROVE THE SEPTEMBER 26, 2022 MINUTES AS PRESENTED. SECONDED BY ALTERNATE MEMBER BOURQUE. UNANIMOUSLY APPROVED.

VI. Adjournment

MOTION: VICE CHAIRMAN HEBERT MOVED TO ADJOURN THE MEETING. SECONDED BY MEMBER PARADIS. UNANIMOUSLY APPROVED.

The meeting adjourned at 8:46 pm.

Respectfully submitted,
Jocelyn Carlucci
Recording Secretary