

The Planning Board for the Town of Derry held a public meeting on Wednesday, March 01, 2017, at 7:00 p.m., at the Derry Municipal Center (3rd Floor Meeting Room) located at 14 Manning Street in Derry, New Hampshire.

Members present: Michael Fairbanks, Chair Pro-Temp; Charles Foote, Town Council Liaison; Randy Chase, Town Administrative Representative; Frank Bartkiewicz, Secretary Pro-Temp, Lori Davison (7:01 p.m.), Jim MacEachern, Members; Mark Connors, Marc Flattes, Elizabeth Carver, Alternates

Absent: David Granese, John O'Connor, Mirjam Ijtsma

Also present: George Sioras, Planning Director

Mr. Fairbanks called the meeting to order at 7:00 p.m. The meeting began with a salute to the flag. Mr. Fairbanks then noted the emergency exits, the location of meeting materials, and introduced the Board members and staff.

*Mr. Flattes was seated for Mr. Granese
Ms. Carver was seated for Mr. O'Connor
Mr. Connors was seated for Ms. Ijtsma*

Ms. Davison entered the meeting.

Escrow

#17-07

Project Name: Subdivision of 7 Sheldon Road

Developer: Timothy Swinerton

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 10073, 7 Sheldon Road

The request is to establish cash escrow in the amount of \$17,573.76 for the above noted project.

Motion by Flattes, seconded by MacEachern to approve as presented. The motion passed with all in favor.

Minutes

The Board reviewed the minutes of the February 15, 2017, meeting.

Motion by MacEachern, seconded by Bartkiewicz to approve the minutes of the February 15, 2017, meeting as amended. The motion passed with Foote abstained.

Correspondence

Mr. Bartkiewicz reported the Board has been copied on a letter reminding Luis Gonzales that the escrow for Lou's Custom Auto will need to be renewed, a notice from the Town of Hampstead Planning Board of a public hearing regarding a telecommunications tower proposal (311 Kent Farm Road) to be held on March 6, 2017, and comments with regard to the Derry Cycle site plan from community members. That letter will be placed in the Derry Cycle file and discussed during the public hearing.

Other Business

Schedule public hearing – proposed amendments to Town of Derry Zoning Ordinance (Signs)

Mr. Sioras advised this is the final version of the proposed amendments to the sign ordinance. The changes had been discussed during workshop. The next step would be to schedule a public hearing.

Motion by MacEachern to schedule a public hearing for April 05, 2017 to discuss proposed amendments to the Town of Derry Zoning Ordinance, Article II, Section 165-5, Definitions and Article XII, Section 165-100 through 103, Signs, seconded by Bartkiewicz.

Chase, Connors, Foote, Carver, Flattes, MacEachern, Davison, Bartkiewicz, and Fairbanks voted in favor and the motion passed.

Voluntary Merger – Parcels 12008 and 12009, 18 and 20 Worthley Road

Mr. Sioras stated the two lots are owned by the same individuals. Staff recommends approval of the voluntary merger.

Mr. Connors noted the owner of record for one of the lots is under the maiden name rather than the married name. Mr. Sioras explained the owners are the same. Mr. Connors asked if from a tax stand point, does the combined value end up being less than the two lots. Mr. Sioras was not certain. Mr. MacEachern confirmed the intent of the merger is to clean up the lots and have one tax bill.

Motion by MacEachern to approve, pursuant to RSA 674:39-a, a voluntary merger of Parcel 12008 (20 Worthley Road) with Parcel 12009 (18 Worthley Road). Parcel 12008 will be deleted and Parcel 12009 will be retained. Bartkiewicz seconded the motion.

Chase, Connors, Foote, MacEachern, Davison, Bartkiewicz and Fairbanks voted yes; Carver and Flattes abstained. The motion passed.

Second request to extend approval, Crystal Realty, PID 32030, 23 Crystal Avenue

Mr. Sioras explained this is the lot between Sal's Pizza and Moo's Ice Cream. There is some serious commercial interest in that lot which he believes will move forward. This approval was for the initial cleanup of the property. A second extension is requested and he believes the Board will see a proposal for the property later this year. Staff recommends approval of the extension.

Ms. Carver asked for clarification of the extension request. Mr. Sioras advised the applicant had a state permit to clean up the invasive species near the wetland and to work on the site. They had to get the invasive species off the site before they could move forward with development of the property. Mr. Fairbanks confirmed the applicant was aware this was the second and final extension. Mr. Sioras stated in order for the Board to grant a second extension, there needs to be a really good reason. In this case, there is commercial development in the pipeline.

Motion by MacEachern to grant a six month extension of the conditional approval granted to Crystal Realty, 23 Crystal Avenue, PID 32030. The new expiration date will be August 17, 2017. This is the second and final extension of the conditional approval. The motion was seconded by Flattes.

Chase, Connors, Foote, Carver, Flattes, MacEachern, Davison, Bartkiewicz, and Fairbanks voted in favor and the motion passed.

Zoning Amendments

Mr. Foote inquired when the Board would be working on proposed amendments with regard to multifamily.

Mr. Sioras said on March 15, there would be workshops on the definitions, and the accessory dwelling unit amendments. The Board is waiting to see what the Legislature does with the Accessory Dwelling Unit law. Once those two items are finished, the Board can finalize the sign changes and then move forward to look at other amendments such as the multifamily. He would estimate April or May for the Board to begin looking at multifamily housing.

Public Hearing

Bluefin Holdings. LLC
PID 31071, 44 Crystal Avenue
Acceptance/Review, Site Plan Determination
Sale of 6 pre-owned vehicles

The purpose of the plan is for the sale of six pre-owned vehicles on six existing parking spaces. The property is located in the General Commercial zoning district. Mr. Sioras stated car sales is

a permitted use in the General Commercial zone. Staff would recommend approval of the waiver requests and the site plan determination application.

Tim Peloquin of Promised Land Survey represented the owners, who were also present this evening. This lot is about 1.6 acres in size and formerly housed the old Post Office. It is located across from T-Bones. Derry Cycle sells new and used motorcycles and gear, and has been in that location for about 14 years. Occasionally they take vehicles in as trades for new motorcycles. They would like permission to sell a maximum of six pre-owned cars from the lot, in six designated spaces on the front of the lot. They had been doing this previously, and once they were made aware they needed permission first, they ceased the vehicle sales. There is a plethora of parking on this lot, especially to the rear. This owner also owns a parking lot to the rear of this site, which is noted on the plan as a separate parcel identified as Parcel 31067. The parking lot fronts on Cheryl Avenue. The Technical Review Committee comments were to not change the signage, to re-stripe the parking area to the front so that is clear where the parking spaces are located, and that the vehicles for sale would be parked in the locations as shown on the plan.

Motion by Flattes, seconded by Bartkiewicz to open the public hearing. The motion passed with all in favor and the floor was open to the public.

Allura Becker, 69 Franklin Street, abuts the back side of Derry Cycle. Kevin Battistelli, 1 Cheryl Avenue, was also present, as was Cheryl Kling of 1 Cheryl Avenue. Mr. Battistelli advised he had a letter from Kathleen Sheehan, who also abutted Derry Cycle. He read the letter into the record. "Dear members of the Zoning Board. I am writing this in response to a letter sent to me on February 17, 2017. I am concerned with the noise from Derry Cycle and now they will be selling cars. I have previously called the police on numerous occasions on the noise of the bikes and I have been told there is nothing they can do about it on those days. We could not sit in our backyards or even open our windows. The property fence that belong to Derry Cycle has been neglected which leads people to access Crystal Avenue through our yards. There have been numerous break ins in their neighborhood. Derry Cycle parking lot also has T-Bones employees using their parking lot. I hope that the Zoning Board will have a plan that no more than 6 cars are on this property." Mr. Battistelli advised he also has signatures from Ashley Stewart and Justin Surette of 71 Franklin Street. [Copies of the documents were not retained for the file.]

Ms. Becker said she was in agreement with everything Ms. Sheehan said. With regard to the pictures, the Board can see the fence is in great disarray. This fence was put up by the Post Office and was supposed to block the noise. Derry Cycle agreed to maintain the fence. It has not been maintained and is beyond repair. She has a steady flow of pedestrians and bicyclists through the side of her yard that leads to Crystal Avenue through the Derry Cycle lot. Mondays and rainy days are the best days in their neighborhood as Derry Cycle is closed on Monday and when it rains they don't have trespassers. If the fence was in place it would act as a deterrent to people walking through her yard. They have been to the town offices many times. The Post Office was a considerate neighbor. Derry Cycle has not been. She understands this is a business but the noise is incredible.

Mr. Battistelli advised people also cut through Cheryl Avenue and the parking lot. The fence on Cheryl Avenue is knocked down and only makeshift repair has been done. The kids still cut through. When Derry Cycle first opened he believes they were not licensed to repair motorcycles and now they do; it creates a lot of noise to the rear. It would be nice to have the fence up; it would help during the weekends when they are trying to enjoy their pool and backyard. Tires and equipment roll down into their yard. Ms. Kling respectfully petitioned the Planning Board as they ponder the proposal from Derry Cycle that the Board require Derry Cycle to tear down the existing rotted fence and replace it with a 6 foot stockade fence all around the perimeter of all of the abutters to ensure the abutters have their privacy, security and safety, while providing a sound barrier.

Ms. Becker pointed out in the pictures there is a large overhead garage door that is open a lot. Derry Cycle revs engines. She understands they are working on motorcycles and testing them. At the original meeting when Derry Cycle came for approval to operate, they were not going to test motorcycles in the back parking lot. It happens. She has phoned the police; there is no fence to stop any of the noise between the properties.

Mr. Fairbanks asked if Ms. Becker had posted "No Trespassing" signs. Ms. Becker said they have not. Mr. Battistelli asked if they could put signs on a public street. Mr. Fairbanks said they would need to have the signs on their property.

Mr. Flattes asked how long has the fence been in disrepair. Ms. Becker said it has been a long time. Ms. Kling stated the fence is down and rotted. Kids come up Cheryl Avenue to cut through and have kicked holes in the fence. When asked to maintain the fence, Derry Cycle has put up parts of the fence that were knocked down using pallets, etc. She has had three motorcycle tires in her yard, one against her car, where she has had to call the manager to come and get them. If the fence were in place, they would not have these issues. There have also been several break-ins where the people came through the back parking lot. They are pro-business but Derry Cycle is supposed to maintain the fence and they have not done it. At this point, the fence is too rotted to be repaired.

Al Regis, 67 Franklin Street, added the fence was destroyed years ago; it has not been maintained. He attended the first meeting when Derry Cycle came before the Board to operate. Derry Cycle was told they had to have a buffer. That buffer has never been maintained. No one does anything about it. They have called Town Councilors and officials. Their homes have been broken into. When a business abuts residential, the residential buffer needs to be maintained so that the residents are not affected by the commercial area. He has lived in this house since 1972 and never had issues until Derry Cycle moved here. The dumpster truck comes at 5:30 in the morning. He has complained and nothing gets done.

Ms. Kling said her focus is the fence. The noise will be there; Derry Cycle will likely be allowed the used car lot. They want their privacy, security, safety and a sound buffer. The fence is down and rotted. She would ask the Board to require Derry Cycle to tear down the existing fence and install a new, 6 foot stockade fence around the perimeter to protect the neighbors. Mr. Regis agreed and felt the fence should be extended to Crystal Avenue so there is no access to their properties. His children play in his yard and strangers are walking through. He has seen illegal

activities in the parking lot. Ms. Kling noted that T-Bones employees chat in the parking lot after they get off shift after 11 o'clock at night. The fence would help to mitigate some of that noise. There is a lot of activity at the Derry Cycle lot after hours. Mr. Regis felt there should be lighting at night in the parking lot to deter some of the activity that takes place in the parking lot. It is pitch black once the lights go out. Lights that face down into the parking lot would help.

Mr. Connors said it sounded like security is an issue. They are requesting a stockade fence and have stated kids have kicked holes in the fence. Would a chain link fence provide more security? Ms. Kling would not want to see chain link as it would not mitigate sound or provide privacy. Mr. Regis reiterated Derry Cycle was supposed to maintain the buffer and they have not done so. Ms. Kling said they felt this was their last opportunity to appeal to people who would listen to them. The fence was installed by the Post Office for all the right reasons; Derry Cycle should have maintained the fence. At this point, it is too far gone to be maintained; it needs to be replaced.

Mr. Connors asked if the existing fence go completely across Cheryl Avenue, or was there a gap. Ms. Kling said the stockade fence went all the way to the end of the chain link fence and it was not until the fence fell down that people gained access.

Mr. Sioras said he spoke with Ms. Kling yesterday and with Mr. Mackey in the Code Enforcement Office. Mr. Mackey did visit the site and confirmed the deterioration of the fence. The fence had been a site plan requirement. It is now in rough shape and it is missing pieces.

Mr. Peloquin said when the property was approved 14 years ago, he believed that maintenance and repair of motorcycles was part of the original approval. Mr. Sioras said he would defer to Mr. MacEachern as Mr. MacEachern has the minutes of the original meeting. Mr. Peloquin commented on the cut through. People are traveling along the public way (Cheryl Ave) and cutting through Derry Cycle's property to get to Crystal Avenue. They are going in front of the residences. He can understand the irritation. Matt Jones, owner of Derry Cycle, said in 2004 they were asked to mend the existing fence. There is heavy tree cover in the summer between his parking lot and Franklin Avenue. About four years ago, they repaired the fence along Cheryl Avenue. There are some kids who likely hang out on Cheryl Avenue; that is a public street. He acknowledged kids will use short cuts.

Mr. Fairbanks asked if the buffer is being maintained as agreed to fourteen years ago. Mr. Jones said they mended the fence after some ice storms. They fixed it along the border of Cheryl Avenue about four years ago; he agreed the fence has deteriorated over time. Mr. Fairbanks said it sounded like the original approval required ongoing maintenance of the fence. Mr. Peloquin said he was looking for that information. What was approved? Mr. Jones felt if a fence is erected, the kids will break it down again. Mr. Fairbanks felt this was more part of enforcing what they already had as opposed to discussing the six parking spaces which is what the Board was supposed to be discussing. There are two different issues.

Mr. Sioras said it started out with the sale of cars for which they had no approval. Code Enforcement advised Derry Cycle they would need approval to sell the cars which led to this application. The maintenance of the fence is an ongoing enforcement issue. There are two

issues here. The cars are proposed to be parked along the street. However, abutters to a commercial development are entitled to buffering and that is where the fence comes in. The Board can put conditions on the plan tonight if they want that changed. He recalls when the Post Office trucks used to exit onto Cheryl Avenue. He feels the use on the lot has become more intense because it used to be quieter later in the day. With the motorcycle sales, the use has intensified over the years.

Ms. Becker asked the Board to look at the pictures provided. On the back side of the property near Franklin Street, there is brush. But there is a clear lane beside her house to Franklin Avenue. Ms. Kling said she understood the focus is the business, but if they are to do that, she would expect them to uphold the maintenance of the fence. It is obvious from the pictures they repaired the holes in the fence with pallets. They are supposed to provide a sound buffer and security. The abutters just want a new fence; they will live with the noise. Ms. Becker noted the property owner has seven unregistered vehicles on site.

Motion by Flattes to close the public hearing, seconded by Bartkiewicz. The motion passed with all in favor and review of the plan returned to the Board.

Mr. Connors asked Mr. Sioras if the town has anything built into the zoning requirements for fences and things of that nature. Mr. Sioras explained the ordinance states the Planning Board can make the determination as to what is an appropriate buffer. It could be a fence or a combination of fencing and trees, or plantings. Fourteen years ago, the Planning Board required a stockade fence for this property.

Ms. Carver asked what was the original buffer requirement. Mr. Jones recalled it was to mend the existing fence which had been erected by the Post Office.

Mr. MacEachern noted the Board has heard the discussion from Mr. Sioras as to what is pertinent to the discussion this evening. The Board has not yet discussed whether it will allow the applicant to put the six cars on Crystal Avenue or not. That is the matter before the Board this evening. The abutters have brought up serious issues relating to code enforcement of the existing plan that are not connected to the proposed parking spaces adjacent to Crystal Avenue. He encouraged the abutters to keep working with town officials to get the fence fixed. He reviewed minutes of the original discussion (toward the end of 2003) with the owners of Derry Cycle. It was clear in the motion that there would be repair work done on site, such as oil changes and the like. The Board at the time also discussed the fact that the existing fence along parcel 31-67 would be mended by the applicant. They discussed dumpster locations, signage, and things of that nature. The motion itself was pursuant to LDCR, Section 311:1, Site Plan Determination: comply with TRC notes, a stockade fence would be installed at the residential property lot line of parcel 31-53; they also had to mend the fence along 31-67. There was a new section of fence to be added. Mr. Sioras directed the Board to 2 Concord Ave, which is Parcel 31053 (owned by Raz). Mr. MacEachern said the motion says chain link along the property line of 31-53. Lot 31-67 is owned by Derry Cycle, the fence goes along the Becker and Surette properties and along Cheryl Avenue. The fence does not prevent people from walking against the side of the homes, as the fence just stops. Cheryl Avenue does not have anything blocking the end of it. One of the abutters said there was no way to get from Cheryl Avenue to Derry

Cycle's lot. Mr. MacEachern said the fence never went across the end of Cheryl Avenue. Another person noted the Post Office used to access Cheryl Avenue from the rear parking lot. Comments were made from the audience that were inaudible and therefore not in the record.

Mr. Fairbanks said there are two issues; one issue is the six parking spaces, the other is the maintenance of the fence. Mr. MacEachern said maintenance of the fence is not part of the jurisdiction of the Board this evening; it is tied to the original approval. What is not in the minutes of the 2003 meeting was that continuous maintenance is part of the approval as well; it is implied.

Mr. Sioras advised Mr. Mackey indicated he has requested the fence be maintained and fixed over the years and has had some difficulty with that. Code Enforcement has spoken with Mr. Jones. Mr. MacEachern suggested it is implied that what the Board requests during its approval should be maintained.

Mr. Battistelli said their concern is that Derry Cycle has a history of doing things without approvals such as the sale of cars from the property, and not maintaining the fence. Why let them have approvals for the six cars if they can't follow the basic rules for the area?

Mr. Connors felt the two issues were tied together. If the Board tells an applicant to use a certain material, they need to comply and not change it without Planning Board approval. Ongoing maintenance, in perpetuity, of the fence is part of the approval. Materials will degrade over time.

Ms. Carver said the Board should not grant approvals when the original agreement has not been upheld. How did they arrive at the number of six vehicles? Mr. Jones explained in the normal course of business they take in trades. The business has changed from new to used motorcycles; people trade in different things. They want the ability to have a few cars that they take in on trade and to be able to sell them, rather than take them to auction. In the eyes of the State of New Hampshire, they are already a motor vehicle dealer. Six is roughly 60% of the front lot and is what they thought they might need. It is an arbitrary number; it is the most they thought they might have. On average they have about three or four cars. It is hard to say with a degree of accuracy but the most he has seen is four or five. They don't want to be a car dealer; they just want to be able to sell the trades they take in.

Mr. MacEachern felt a condition of approval should Derry Cycle making the appropriate repairs to the fence in agreement with Mr. Mackey. That allows leeway for the residents, gives Mr. Mackey flexibility to come up with a workable solution, and addresses the ongoing issue of maintenance. There are longer term issues that the residents have brought to light this evening. This Board can take up the issue of paper streets, so that there would no longer be a Moore Street, at which time people would then be on private property rather than public property. This Board has the authority to help Code Enforcement to get things to a state of repair. He would like to talk about the applicant's ability to sell six cars from the site, which is why they are here this evening.

Mr. Battistelli asked if the Board grants approval for six cars, would the applicant be able to store cars to the back of the site that are not for sale. Mr. MacEachern said that is part of the

discussion the Board is trying to get to this evening, which would be limits on the number of the cars. If the Board allowed the six cars, it would need to spell out the maximum number of cars for sale and display in the noted locations on the site plan, and that would be an enforceable decision. He noted the parking spaces identified on the plan designated for the six vehicles for sale. The other spaces would be for customers, employees, or motorcycles they are selling in the general course of business. He has no issues with the six spaces; it is visible and well-lit and there is no danger to the vehicles parked there. He also has no issue stating the existing fencing should be put into a good state of repair per the 2003 approval, and that the applicant should work with Mr. Mackey.

Mr. Foote said at the beginning of the meeting it was noted there had been previous sale of motor vehicles on this site. How long did that occur? Mr. Jones said due to industry changes, they have moved to the used market. That is the way the industry has gone. Mr. Sioras explained Mr. Wentworth in Code Enforcement noted there were cars for sale on the site that had no approvals from Code Enforcement or the State. He sent a letter, and visited the site and advised Mr. Jones that he needed site plan approval to sell cars from the lot. Mr. Jones said it is common practice. Car dealerships sell cars and take in motorcycles in trade and sell them. Mr. Foote asked if there is any intention to repair on site the motor vehicles that are taken in for trade, or to leave them out back while they are being repaired. Mr. Jones said there is a large door to the rear where they could drive a car in. That could happen. They are not an inspection station or repair garage. It would be their own internal things; they would not offer services to the public. Mr. Connors noted the contention between the abutters and the business. The approval of the sale of cars is not a big issue; the Board recently approved the sale of cars for a lot on A Street; and there are over 70 spaces available on this site. He is more concerned about the number of cars that might not be for sale but are sitting there, unregistered, waiting. Mr. MacEachern said the total is six at any time.

Mr. Sioras felt that was a good point. Code Enforcement spends a lot of time keeping track of the unregistered cars; there should not be four other cars sitting there.

Mr. Connors felt the business owner and abutters should discuss the fence. Businesses should be good neighbors, and residents should remember the town needs businesses to help with taxes.

Ms. Davison felt the unique character of the neighborhood needs to be considered when the Board makes decisions. Crystal Avenue is near the TIF district and facades matter. A Street is a more industrial/commercial area. She understands the sale of cars is a natural progression from the sale of motorcycles, but she does not want to see that part of Derry begin to look like Route 28. This is supposed to be the 'calling card' part of town, not the auto mile.

Ms. Carver asked if the Board granted conditional approval such that the applicant has to work with Mr. Mackey and address the fence the way he wants it addressed, can the Board make it a continuous condition of approval. Is the Board allowed to say the applicant has to maintain it or the approval is revoked? Mr. MacEachern said the Board could not do that. Mr. Carver thought that was the case. Also, she asked when Mr. Wentworth noticed the issue. Mr. Sioras thought it was before the holiday. Mr. Jones said the letter was dated December 9, 2016. He clarified how the State of New Hampshire looks at dealer licenses. A motor vehicle sales license is for the sale

of trucks, motorcycles, etc. The State does not differentiate between the type. If they are engaged in selling 51% of motorcycles, then they are a motorcycle dealer. Ms. Carver said she would prefer to see four rather than 6 vehicles to keep it below the 50% of the frontage. If more than half of the front spaces are filled with cars, it will look more like a car dealership.

Mr. Connors asked if they would be allowed to sell a boat if that was taken in trade. Mr. Jones said he thought he could.

Motion by MacEachern to accept jurisdiction of the site plan determination application before the Board for Bluefin Holdings, LLC, PID 31071, 44 Crystal Avenue, seconded by Bartkiewicz.

Chase, Connors, Foote, Carver, Flattes, MacEachern, Davison, Bartkiewicz and Fairbanks voted in favor and the motion passed.

Motion by MacEachern to grant waivers from LDCR Section 170-61.A.11, two foot contours, LDCR Section 170-61.A.12, High Intensity Soil Survey Mapping, and LDCR Section 170-61.A.13, Jurisdictional Wetland Delineation and Mapping, as after review of the waiver requests the Board finds that strict conformity to the regulation would be contrary to the spirit and intent of the regulations. Bartkiewicz seconded the motion. Discussion followed.

Mr. MacEachern noted these waivers are requested because this site is already developed. Prior to development of any site an applicant normally has to do high intensity soil mapping, but where this site already has the building and grounds, that is not necessary. If this was an empty lot, these items would be required. It has nothing to do with the use of the building but rather that the site is already developed with existing buildings and facilities.

Chase, Connors, Foote, Flattes, MacEachern, Davison, Bartkiewicz and Fairbanks voted in favor; Carver voted no citing these items should not be skipped, and the motion passed.

Motion by MacEachern to approve, pursuant to LDCR Article IX, Section 170-51, Site Plan Determination, with the following conditions: subject to owner's signature, subject to onsite inspection by the Town's representatives (Code Enforcement), obtain written approval from the IT Director that the GIS disk is received, is operable and complies with LDCR Sections 170-24/170-61, note approved waivers on the plan, conditions precedent shall be met within 6 months, fix and/or repair the existing fence per the outlines provided in the 2003 site plan approval, with the approval of Robert Mackey, Code Enforcement Officer. Discussion followed.

Mr. MacEachern asked if applicant wanted leeway to have two additional cars that were being worked on to get the cars into a condition to be sold. It was clarified these would not be shop cars which were used by the business to pick up items. Shop vehicles are owned by the company. Mr. MacEachern wanted to make sure it was understood that there could be six vehicles for sale in the front of the lot, but there might be two vehicles that are being prepped for sale. Mr. Peloquin felt clarifying this would assist with Code Enforcement. Mr. MacEachern did not want the applicant to be in a position where he already had six cars for sale and was not

able to take a vehicle in trade because it would put him over his 'limit'. Mr. Peloquin noted there is plenty of parking to the rear. Mr. MacEachern said he could add a condition that two turnaround vehicles would be allowed to be parked in back of the building. He also wanted to identify how many shop vehicles there were so that when the number of vehicles are counted, it is known how many vehicles are registered to the business and how many are for sale.

Mr. Flattes stated dealers are allowed to use dealer plates. It may create a gray area as the shop vehicles do not have company logos on them; this would also make it a bit more difficult for Mr. Mackey to identify which vehicles are pending sale and which are shop vehicles. The decision should be precise in the number. The shop vehicles should be registered so that it is clear.

Mr. Fairbanks polled the Board to see if members wanted to add the two turnaround vehicles to the conditions of approval.

Flattes said no; MacEachern said yes, Davison said no, Bartkiewicz said no, Chase said yes, Connor said yes, Foote said yes, Carver said yes if only four were out front. She asked that lighting be added to the site if cars were to be stored out back. Fairbanks noted that is a separate issue and indicated he would be in favor of two turnaround cars. The poll was in favor of adding two turnaround cars.

MacEachern amended the motion to approve to add a condition that two cars located in the back of the building would be available to the applicant while no more than six cars would be out front. Chase seconded the motion. Discussion followed.

Mr. Connors asked for clarification on the fence detail. He would like to add the words "or replace" the fence. Mr. MacEachern said this item was to be left to Mr. Mackey's discretion. Ms. Carver agreed.

Mr. MacEachern said he had no issues amending the motion to state "fix, repair, or replace the fence as required by the Building Inspector per agreement with the building owner."

It was acknowledged there may be a section of fence that needs replacement rather than repair. Ms. Sioras noted Mr. Mackey has spoken of the importance of the fence repair.

Chase, Connors, Foote, Flattes, MacEachern, Davison, Bartkiewicz, Fairbanks voted yes, Carver voted no and the motion passed. Ms. Davison commented she is not in favor of the proposal but voted yes so that the condition of the fence can be addressed.

There was no further business before the Board.

Motion by MacEachern, seconded by Flattes to adjourn. The motion passed unanimously and the meeting stood adjourned at 8:35 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____