

The Planning Board for the Town of Derry held a public meeting on Wednesday, September 6, 2023, at 7:00 p.m. The meeting was broadcast from the Derry Municipal Center, 14 Manning Street, Third Floor meeting room, with a virtual option.

Members present: David Nelson, Vice Chair, Andy Myers, Secretary, Jim MacEachern, Town Council Liaison (Alternate), Mark Connors, Richard Malaby, Dan Healey, Members.

Absent: John O'Connor, Chair, Randy Chase, Town Administrative Representative; Dave Granese, Town Council Liaison, Chris Feinauer, Member, John Morrison, Alternate.

Also present: George Sioras, Planning Director; Mark L'Heureux, Town Engineering Coordinator, Lisa Carvalho, Planning Clerk

*Denotes virtual attendance.

Mr. Nelson opened the meeting at 7:00 p.m. The meeting began with a salute to the flag.

Mr. Nelson stated that he would be Chair Pro-Temp this evening as Mr. O'Connor is absent.

Escrow

There was no Escrow activity.

Minutes

The Board reviewed the minutes of the August 2, 2023, meeting.

Motion by MacEachern, seconded by Healey to approve the minutes of the July 19, 2023, meeting as presented. All in Favor: Healey, Malaby, Myers, Nelson, vote Yes. MacEachern votes yes speaking for Granese, Connors and Myers abstained. None opposed. The motion passed.
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Correspondence

There was no Correspondence.

Other Business

1st Reading, Proposed amendments to the Planning Board Policy & Procedure, to Amend Article II, Meetings, Section 1, Annual Meeting.

Mr. Sioras stated that this is the first reading, and the second reading will be at the Planning Board meeting of September 20, 2023. Added for the Annual Meeting: "At the Annual Meeting the Planning Board shall review any nonpublic minutes to determine if the minutes should continue to be withheld from public disclosure. Any minutes deemed appropriate to be released

to the public shall be posted publicly, with the date of the Board's determination noted, and a copy of the minutes provided to the Town Clerk noting the minutes are now public."

If the Board approves the policy change at the September 20, 2023 meeting, Article II, Section 1, Annual Meeting will be added to the Town of Derry Planning Board, Policy and Procedures Record of Amendments per Article III – Amendments. There is no need to vote tonight.

Review of Nonpublic Minutes.

Mr. Nelson stated that according to the new policy any nonpublic minutes must be reviewed within 10 years of the meeting date. There are 4 from 2009 and 1 from 2010. Mr. Nelson noted under which section of RSA 91-A the exclusion was made to help the Board determine which should be made public and which should remain sealed. The first is the nonpublic minutes of February 3rd, 2010, that was convened under RSA 91-A:3, discussion of Attorney/Client Privilege material.

Motion by MacEachern, to keep the nonpublic minutes of February 3, 2010, sealed, pursuant to RSA 91-A:3 (IV) (b) as the circumstances that justified keeping the minutes from the public under RSA 91-A:3 still apply. After discussion, the motion was withdrawn by MacEachern.

Mr. Connors stated he believes this RSA is saying that after the circumstances, such as land purchase, have been completed, in relation to Attorney/Client privilege, is there no reason to keep the nonpublic minutes from the Public and if so, he believes it would be in the public interest to see what went on.

Mr. Nelson stated that he believes the intent of the legislation is once the purpose for exclusion for public publishing minutes has lapsed and is no longer germane, that boards ought to review them and potentially make them public if keeping them nonpublic no longer serves a valid purpose. There are several exceptions. RSA 91-A is 15 pages long. Some of them may have time expirations. He suggests that those with logical time expirations might be discussion of the purchase and sale of a piece of property. Once the property is purchased, it is no longer germane to keep the minutes private or they moved on the property was not purchased. In those cases they would expire. A case might expire if the discussion of settlement of pending litigation. His interpretation is that once the litigation is settled and the court decision is rendered, keeping them private as the content would be in the Court Record. Consultation with legal council about strategy may not be ever made public. It depends on which section of the law it was taken under and what has happened in the interim.

Mr. Connors asked if we should have legal counsel from our attorneys before we vote.

Mr. Nelson asked if there was discussion of the motion, not yet seconded.

Mr. Myers stated that discussion of the sealed minutes to determine the vote cannot be discussed in this public meeting. Having read the information provided for his meeting, he does not believe it is enough information to make a determination. He would like to wait to vote until Mr. Granese is present.

Mr. MacEachern stated that sealed minutes are purposefully vague. His personal preference is that if minutes were sealed, they should remain sealed. He believes Mr. Granese would agree with him. If it is a court case, there is enough information in those records.

Mr. Myers stated that he is for open government and the burden is on those that would want to keep them sealed, He would make them public, unless there is a property issue or litigation.

Mr. MacEachern stated that, while it may no longer be relevant, he would not release personal information.

Mr. Nelson stated that one result of the Amendment to the policies and procedures, is that this would come up every year.

Mr. Conners asked if we should have a nonpublic meeting to review these motions.

Mr. Sioras suggested that a nonpublic meeting might be appropriate. The Annual meeting is the first regular meeting in April after the elections and appointments. The board should vote to include a review of those minutes. If the board wants to table the motions until the Annual meeting, that is an option.

Mr. Conners stated that we should table this discussion and schedule a nonpublic meeting to discuss the individual motions with our legal counsel, having viewed the motions in advance of that meeting.

Mr. Sioras stated that he can provide details of those meetings, but as there is personal information, the discussion should not happen in a public meeting.

Motion by MacEachern, seconded by Healey to table the Review of Nonpublic Minutes to the Annual Meeting.

Role Call Vote: Healey, MacEachern, Conners, Malaby, Myers, Nelson, vote Yes. The motion passed.

Mr. Nelson clarified that the board would have a nonpublic session to discuss and will vote at the Annual meeting where will have new members, so have a nonpublic session at the Annual meeting.

Mr. Sioras clarified that this would be an Agenda item, to have the nonpublic session and then vote. As discussed in the board meeting of August 2, 2023, the legislation changed the Bylaws in 2023.

Schedule a public hearing to discuss proposed changes to the LDCR Section 170-17 and Section 170-56 to revise the planning board application fees.

Motion by MacEachern, seconded by Myers, to schedule a public hearing for Wednesday, September 20, 2023, to discuss proposed changes to the LDCR section 170-17 and Section 170-56 to revise the planning board application fees.

All in Favor: Healey, MacEachern, Connors, Malaby, Myers, Nelson, vote Yes. The motion passed.

Schedule a public hearing to discuss proposed amendments to the Appendix of the Land Development Control Regulations, specifically the Development Project Security Workbook to revise how construction escrow is calculated.

Motion by MacEachern, seconded by Myers, to schedule a public hearing for Wednesday, September 20, 2023, to discuss proposed amendments to the Appendix of the Land Development Control Regulations, specifically the Development Project Security Workbook to revise how construction escrow is calculated.

All in Favor: Healey, MacEachern, Connors, Malaby, Myers, Nelson, vote Yes. The motion passed.

Planning Director/Chairman Updates

Mr. Sioras requested that the board be patient with the staff for the next few weeks as we navigate the hiring process.

Mr. Nelson stated that if help is needed, please ask. As the Chair he will be available to assist in any way necessary.

Public Hearing

A public hearing to discuss Family Promise of Southern New Hampshire (Owner: Derry Housing and Redevelopment Authority) PID 36066, 12 Peabody Road, Acceptance/Review, Site Plan Determination.

Mr. Sioras stated that many years ago this property was Crotched Mountain Rehabilitation and then it became Vintage Grace for several years. The property is now in disrepair and vacant. Family Promise of Southern NH is looking to move into that property. We spoke to our attorney, Bob Mackey, who felt that this should be a minor Site Plan Determination. There is an internal change of use. Crotched Mountain and Vintage Grace were also not housing in a traditional sense. Mr. Mackey felt that we should present to the Planning Board to allow the abutters to know what is going to be located in that building and have Site Plan Determination. There are abutters here tonight. The intent of the project is to gut and renovate the existing building to provide 8 units of transitional housing. No additions are proposed. Exterior will be addressed by providing new windows, siding, and trim. The property is located in the Medium-High Density Residential District (MHDR). There is a nursing home and condominiums on the street. All town departments have reviewed and signed the plan with the exception of the Police Department. The Police Department has indicated that they will refrain from signing the plan set at this time until the board has further discussion regarding the waiver request for parking. The

applicant will go into more detail on the waiver request for parking. He noted an email from Captain David M. Michaud, Division Commander-Support Services at the Derry Police Department. Staff would recommend approval. Mr. Sioras yielded to Mr. Dennis Myers.

Mr. Dennis Myers, the architect working with Family Promise, was recognized. He introduced Mr. Mark Saragossa, Board Member of Family Promise. He suggested having Mr. Saragossa outline the program itself and the needs they are trying to meet with this project. Mr. Myers yielded to Mr. Saragossa.

Mr. Mark Saragossa introduced himself as a resident of Derry, operator of West Brook ____, and Vice Chair of the Board of Family Promise. The Executive and Finance Directors for Family Promise are in attendance. We provide a few different services with Family Promise. Our primary facility for transitional housing is currently located in Nashua NH. We converted the old Infant Jesus school building on Crown Street, Nashua NH and we now serve 20 families in dormitory style bedding. Each family has their own living unit, with a common kitchen, common dining, and recreation areas. There are administrative offices. Each living unit has its own bathroom and shower. It is different from a traditional apartment unit. Our mission is to end homelessness. We do that through the transitional housing model. We give them more than a bed and a meal. We have case managers, finance, and other staff on site. We provide home ownership and financial literacy education. Applicants need to pass a full background check to enter the program. We take only families, not individuals, whether single adult or couples with kids. Most spend approximately a year on site. The goal is to get them back on their feet by teaching them everyday life skills like home ownership, parenting, and financial literacy. We have about a 90% success rate. A year after leaving the facility they are independently sustaining their own housing. It's a success overall as an organization. We have had a long relationship with non-profits, the Town of Derry, Alexander Eastman Foundation, Pinkerton Academy. Pinkerton Academy's Headmaster, Tim Powers, is on our board. Hillsborough and Rockingham Counties have supported us over the years. We are being approached by other communities to either purchase or win the bid for buildings to convert them into this transitional housing structure, because affordable housing, not only in the State of NH, but across the country, is a huge issue. He believes NH has at least 20,000 housing units in need. It is a unique model that most communities and non-profits provide. Two other programs of our organization are supportive housing. We are subsidizing the rent to families. We have a master lease with the landlord at a discounted rate and then the families are paying their own rent and living there independently. That's apartment style living. We also have a diversion program where if the family doesn't qualify for our living facility, we will redirect them or work with other organizations to better suit them. Mr. Saragossa yielded to Mr. Myers.

Mr. Myers stated that there are no additions to the building under this plan. We are planning a gut renovation that includes new windows, siding and roofing to the exterior. We are removing the existing shed that sits next to the dumpster in the Site Plan. We are overlaying the existing driveway system and restriping the pavement to get adequately sized parking spaces in accordance with the ordinance. Our model includes 8 units. Each unit has 2 bedrooms and, as Mr. Saragossa indicated, each has an assigned bathroom, but the living, dining, kitchen is all common facilities. Historically, Family Promise has a record of approximately 1 car per unit. Here we have 8 units and 1 Supervisor's apartment. Under your ordinance, we would need 24

spaces for the 8 units based on the bedroom count and we are providing 14. We feel that is adequate, given the history, this kind of tenant and the success Family Promise has had managing that. That leaves an extra 5 or 6 spaces, depending on the day, for support services, which come in at various times. We feel we provide adequate parking for the use and that is the waiver request we indicated for 170-63C.4.a, which is a parking waiver request. We also have a secondary waiver request because the Police Chief will not sign it until he hears the decision of the board on the parking issue.

Accept Jurisdiction

Motion by MacEachern, seconded by Myers, to accept jurisdiction of the Site Plan Determination before the Board for Family Promise of Southern New Hampshire (Owner: Derry Housing Authority), PID 36066, 12 Peabody Road.

Roll Call Vote: Healey, MacEachern, Connors, Malaby, Myers, Nelson, vote Yes. The motion passed.

Determination of Regional Impact

Motion by MacEachern, seconded by Myers, pursuant to RSA 36:56, the Board finds the proposal as presented at this time meets the definition of a development of regional impact.

Roll Call Vote: Healey, MacEachern, Connors, Malaby, Myers, Nelson, vote No, no regional impact. The proposal as presented at this time DOES NOT meet the definition of a development of regional impact.

Discussion before the vote:

Mr. Connors asked if there was regional impact because of the nature of transitional housing.

Mr. Sioras replied that there is not.

Motion to open the public hearing by MacEachern, seconded by Myers.

All in Favor: Healey, MacEachern, Connors, Malaby, Myers, Nelson, vote Yes. The motion passed.

The **Public Hearing** is now open.

Mr. Ken Rapson of 14 Colburn Road, Derry NH, was recognized. Mr. Rapson's property is adjacent to the property in question. Mr. Rapson stated that Family Promise could have parking for 26 cars and are asking for only 14, which concerns him. Three of the spaces are for compact vehicles. He does not see how this could be adequate for this type of property.

Ms. Michelle Pace of 5 Hoodcroft Drive, Derry NH, was recognized. Ms. Pace stated that she also has concerns about parking issues. She has issues with parents of Pinkerton that park up and down our road, on our properties, and in our driveways. We have students that park in our yards. It has been a struggle. To add even more space where people don't have room to park. They are just going to take up room all over our properties and driveways is not going to help the issue.

We don't get a lot of help from the Police on the matter as well. It is very dangerous after school, all the parking and the walking.

There were no online requests.

Motion to close the public hearing by MacEachern, seconded by Healey. All in Favor: Healey, MacEachern, Conners, Malaby, Myers, Nelson, vote Yes. The motion passed.

The **Public Hearing** is now closed.

Mr. Nelson invited Mr. Myers and Mr. Saragossa to respond to the public comments.

Mr. Saragossa stated that the request for the waiver is because each of the 8 family units have one car each at most. Mr. Saragossa believes that the code stating 26 parking spots is more for traditional apartment housing where the calculation is one car per bedroom. You might have more adults or family members with cars in an apartment unit. There is one family per unit that may have only one adult. 60% of the parents in our facility are single parents. 40% of 8 living units is roughly 3 of the units that might have 2 parents and 2 cars. This is still well under the 14 spaces. Based on our facility in Nashua, we do not see the usage in this setting that the code requires. Regarding the street property, we do not have overnight visitors and visitors need to be approved to come onsite. Mr. Saragossa yielded to Mr. Myers.

Mr. Myers stated that the owners feel that this is a very good fit for their program. This facility has been vacant for awhile and would be a challenge to find a viable use that meets the site requirements. This is a good use and with our historical data we are quite comfortable with the parking required without impacting the rest of the neighborhood. The ordinance is the ordinance and under the interpretation of the staff, we fall under apartments. Under the ordinance we are required to have 24 spaces. Given this use and the nature of the property it is a good fit for us and we think it is a good fit for Derry.

Mr. Nelson commented that it had been stated that on average there is one parent. Does that mean there could be one or two?

Mr. Saragossa replied that his statistics were based on data from the Nashua facility. 60% of the parents in our facility are single parents. 40% of 8 living units is roughly 3 of the units that would "potentially" have 2 cars. Some of the families don't have one car per parent. Some of the families may not need or have a car based on the location of work near the property.

Mr. Nelson asked, assuming that a family graduates from the program and attains independence, their focus is on employment. There is not as much walkable employment in Derry as we would like. We are expecting that they are going to be using cars to get to work. Of those families that have 2 cars, would they both be working?

Mr. Saragossa stated that they push all families to work. We require that each family puts aside money for savings. They are sustaining their own families. If they are not abiding by our

structure and the rules of the program, then we might ask them to move on to a different program at another facility. That is the benefit of our program.

Mr. Nelson asked what percentage of families at the Nashua facility have children.

Mr. Saragossa replied that 100% of the families in the program have children. They do not allow single people to live in the units.

Mr. Nelson asked if the program provides day care for those children. If the parents are working and assumed to be on a tight budget, does the program assist them with after school childcare?

Mr. Saragossa replied that they do not. If they are coming to Derry from another town, there is federal law to provide transportation from Derry to their school district. We do not have in-house childcare. We have volunteers that come in regularly that he believes may provide childcare. We have play areas for the kids. Mr. Saragossa yielded to Ms. Wellman.

Ms. Pam Wellman, Executive Director for Family Promise of Southern New Hampshire, was recognized. Ms. Wellman stated that all the children in the program must be at school full time and must be in day care. We have great relationships with Derry Boy's and Girl's Club, the YMCAs, and with the Nashua Boy's and Girl's Club. It is a requirement that the children are in after-school programs because we do not provide day care on site. If families weren't living with us, they wouldn't be in our day care. It is full integration into the community and full independence. Most of the parents are used to this structure. They like that the children are in after-school programs and have additional learning experience. We have relationships with the P.A.L.S Program at Pinkerton Academy, the Police Athletic League a lot of our teen kids will go to those programs. We help the parents build resumes and with career search as well as scholarship programs so they can complete their education, advance their professional acumen, and make as much money as they possibly can. It is a requirement that we pull their credit in their first month. They start working on their credit, saving their money and they get back to work full time at the highest professional level that they can. That is why it takes a year. They work hard, and that is the success of the program. Addressing the parking situation, right now in Nashua 30% of our parents own cars. It is a goal of theirs to get their own transportation. Some of them have been living in their cars with their children when they've been evicted or lost their home due to job loss or other life circumstances that none of us are above. The families are not of specialized populations, they are not of substance misuse or severe mental health where those have benefits that can get them housing. They are not families that can sustain themselves after the impact of covid. They fall through the cracks. These are low to middle income families who are not making a fortune. That's what caused their homelessness and that is who Family Promise serves.

Mr. Connors asked for clarification that the only issue before the board today is the parking issue.

Mr. Saragossa stated that they are under contract to purchase, and this is the last step. They met with the staff regarding prior use, as to whether we needed a variance. The building has a deed restriction on it from HUD with the prior use being financed through HUD. They required it to be a senior living facility moving forward even if it sold. Our understanding is that this is why it

has been difficult, and perhaps a deal has fallen through in the past. We have approval from HUD to use it as we've described because it aligns with their mission locally and nationally. Our attorney, John Korby, of Germaine & Blaska, is working with HUD attorneys to get the deed worked out. Essentially, we have our approval.

Mr. Nelson stated that this is a Site Plan Determination. State law allows us to waive full scale Site Plan Review when the circumstances do not merit those studies. We are approving the determination and the information that is presented tonight is part of a binding approval. There is more than the parking waiver. We will be approving the small scale Site Plan.

Mr. Connors asked if Family Promise will control how many units have families with one car so that you meet the requested 14 spaces.

Mr. Saragossa stated that they do not take Section 8 vouchers or other funding that requires us to lease to certain people. We have full discretion over who participates in the program.

Mr. Connors asked if on street parking is allowed on Coburn Road.

Mr. Saragossa replied that he was told No street parking. Their calculation is enough for what they need. The last thing they want to do is upset the neighborhood. We met with the neighborhood months ago so they could voice their concerns. There were 30-35 residents, including some that are in attendance here. Overall, there was good feedback. The parking is a valid concern.

Mr. Connors noted the nursing home parking area that has angled parking. He asked if parallel versus angled parking was reviewed. It was stated that it was reviewed. He commented that regulating the number of families with one car may solve the issue.

Ms. Wellman stated that they cannot predict the configuration of the families in the program. We have 8 units for 8 families. However, each 2 units are separated by a hotel double door. It is a model adopted in Nashua. If we have a mom with 4 children, she would get the extra room by opening the hotel double door. We are saying "up to" 8 cars.

Mr. Saragossa stated that when the property was Vintage Grace, there were 4 pods of 4, or 16 units. He asked if they had one unit per car.

Mr. Sioras replied that he believes there were 4 one-bedroom apartments of mostly older, disabled persons. There was adult-daycare that was drop-off. Many of the people no longer drove. They had access to public transportation. If there are neighbors with issues regarding on-street parking, we have a Highway Safety Committee that can review the situation. It is different near the golf course because those are market-rate apartments. There were issues on Chester Road with parking on both sides of the road. Those residents went to the Highway Safety Committee, and they recommended limiting the parking on the rotary and both sides of the road.

Mr. Connors asked if the area of sidewalk can be converted to an additional number of spaces.

Mr. Saragossa replied that it cannot due to drainage and fire access.

Grant Waivers

Motion by MacEachern, seconded by Healey, to Grant a waiver from LDCR section 170-63.C (4) (a) to allow 14 parking spaces where 26 parking spaces are required. This use represents transitional housing for families with a historical count of 1 car per family. After review of the waiver request the Board finds that strict conformity to the regulations would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.

Role Call Vote: Healey, MacEachern, Connors, Malaby, Myers, Nelson, vote Yes. The motion passed.

Finding of Facts

The Board finds the Application as presented this evening, qualifies for Site Plan determination and a formal site plan application is not required for the redevelopment of this site, as the site is being minimally altered from the previous use as Vintage Grace.

The Board finds the proposed plan provides safe and efficient vehicular and pedestrian access and the design and construction of the access ways and walkways are adequate to accommodate the anticipated volume of traffic proposed by the development.

The Board finds the proposed parking plan is adequate for the site and meets the parking density requirements for the use as noted by the waiver approved this evening.

Motion to agree with the above noted findings of fact by MacEachern, seconded by Myers.

Roll Call Vote: Healey, MacEachern, Connors, Malaby, Myers, Nelson, vote Yes. The motion passed.

Approve pursuant to

Motion by MacEachern, seconded by Myers, to approve pursuant to LDCR Section 170-51 – Site Plan Determination. The Plan is approved with the following conditions:

1. Subject to owner's signature.
2. Subject to on-site inspection by the Town's engineer.
3. Establish escrow as required to complete the project.
4. Note approved waiver(s) on the plan.
5. Obtain written approval from the Planning Director/designee that the GIS disk is received and is operable and it complies with LDCR Section 170-61.C
6. Subject to receipt of applicable state or local permits relating to the project.
7. Conditions precedent shall be met within six months.

8. Submission of the appropriate recording fees, payable to the Rockingham County Registry of Deeds. (This includes the \$25.00 LCHIP fee, recording fees for the mylar and the notice of decision.)

Role Call Vote: Healey, MacEachern, Connors, Malaby, Myers, Nelson, vote Yes. None opposed. The motion passed.

A public hearing to discuss a lot line adjustment at PID 03162, 7 Gulf Road & 03612-001, 5 Gulf Road.

Mr. Sioras stated that Mr. Tim Peloquin will be joining the conversation via Zoom. The applicants are Scott and Stephanie Shively, Carl and Michelle Cleary. The property is located at 7 and 5 Gulf Road. The purpose of this plan is a lot line adjustment between the above referenced parcels located in the Low-Density Residential District. We do not need department signatures for lot line changes. We do not require the items in the requested waivers for lot line changes. There are no State permits. Staff would recommend approval of the waiver requests and the lot line adjustment.

Accept Jurisdiction

Motion by MacEachern, seconded by Connors, to accept jurisdiction of the lot line adjustment plan before the Board for Scott and Stephanie Shively and Carl and Michelle Cleary, PID 03162, 7 Gulf Road and PID 03162-001, 5 Gulf Road.

All in Favor: Healey, MacEachern, Connors, Malaby, Myers, Nelson, vote Yes. The motion passed.

Determination of Regional Impact

Not required for lot line adjustments.

Motion to open the public hearing by MacEachern, seconded by Myers.

All in Favor: Healey, MacEachern, Connors, Malaby, Myers, Nelson, vote Yes. The motion passed.

The **Public Hearing** is now open.

No one was recognized but an abutter in attendance (not identified) stated that she was attending to gain clarity of the situation.

Mr. Peloquin stated that both lots are equal area adjustments. One is 35.5 acres and the other is 3.0 acres. They are going to stay the same. At the back of the lot at 5 Gulf Road, there is a small section taken out for the benefit of the residents at 7 Gulf Road, where they are given more building area for any future expansion, such as a detached garage, which he believes to be their intention. There are wetlands to the back. This area in agreement with 7 and 5 Gulf Road is an

area that is up land. The lot line adjustment is 0.35 acres. Zoning is not violated. The area cannot be seen from any neighbor's perspective and is in a well-wooded area.

The abutter in attendance is not affected by this lot line adjustment.

There were no online requests.

Motion to close the public hearing by MacEachern, seconded by Myers.
All in Favor: Healey, MacEachern, Conners, Malaby, Myers, Nelson, vote Yes. The motion passed.

The **Public Hearing** is now closed.

Grant Waivers

Motion by MacEachern, seconded by Myers, to grant waivers from the following sections of the LDCR as both existing lots conformed the Zoning Ordinance have existing dwellings, wells, and individual subsurface disposal systems. As no further development is being proposed with this application the cost associated with fulfilling the regulations listed below is unnecessary.

LDCR Section 170-24.A.4 – not to do a complete boundary survey.

LDCR Section 170-24.A.11 – not to show the two foot contours on the plan.

LDCR Section 170-24.A.12 – not to perform HISS mapping.

LDCR Section 170-24.A.13 – not to perform wetlands mapping of the parcels.

LDCR Section 170-25.B – not to provide lot size calculations.

After review of the waiver request the Board finds that strict conformity to the regulations would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations.

Role Call Vote: Healey, MacEachern, Conners, Malaby, Myers, Nelson, vote Yes. The motion passed.

Finding of Facts

The Board finds the proposed plan does not alter the existing conditions which would affect access to the lots, ensuring the health, safety, and welfare of the neighborhood remains unchanged as a result of the adjustment of the lot line.

Motion to agree with the above noted Findings of Fact by MacEachern, seconded by Myers.
Roll Call Vote: Healey, MacEachern, Conners, Malaby, Myers, Nelson, vote Yes. The motion passed.

Approve pursuant to

Motion by MacEachern, seconded by Myers, to approve pursuant to RSA 676:4 III – Expedited Review, with the following conditions:

1. Subject to Owner's signature.
2. Subject to on-site inspection by the Town Engineer.
3. Establish escrow For the setting of bounds or certified the bounds have been set.
4. Note approved waiver(s) on the plan.
5. Obtain written approval from the Planning Director/designee that the GIS disk is received and is operable and it complies with LDCR Section 170-24-14.C
6. Conditions precedent shall be met within six months.
7. Submission of the appropriate recording fees, payable to the Rockingham County Registry of Deeds. (This includes the \$25.00 LCHIP fee, recording fees for the mylar and the notice of decision.)

Roll Call Vote: Healey, MacEachern, Connors, Malaby, Myers, Nelson, vote Yes. The motion passed.

Mr. Connors shared that he has put his house on the market and will stay on the Board until he moves out of Town in the next 30-60 days if all goes according to plan.

Mr. Nelson stated that the Board has only one Alternate with a very busy work schedule and is not often available to serve. We need to recruit some new Alternates. There is a process by which one goes to the Town website and fills out a Volunteer Application form and sends it to the Administrator's Executive Assistant. It is then considered by the Town Council. We do need to deepen our bench. Anyone who has an interest in serving on the Board is welcome to submit your application.

Mr. Sioras added that if you cannot attend a meeting, contact him via email or text to let him know.

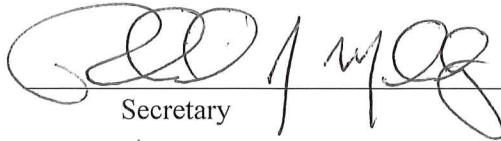
Mr. MacEachern stated that the Town Charter is very clear. Filling a vacant position has to come from the Alternate's list. If an individual is unable to attend or doesn't feel that he or she can fill the position, we would have to seek Alternate's first.

Mr. Nelson noted that the Board has two empty Alternate positions to fill.

Motion by MacEachern, seconded by Connors, to adjourn. The motion passed with all in favor and the meeting was adjourned at 8:22 p.m.

Approved by:


Chairman/Vice Chairman


Secretary

Approval date: 9/20/22