

The Planning Board for the Town of Derry held a public meeting on Wednesday, September 05, 2018 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: David Granese, Chairman; John O'Connor, Vice Chairman; Lori Davison, Secretary; Brian Chirichiello, Town Council Representative; Frank Bartkiewicz, Jim MacEachern, Maya Levin, Mark Connors, Members; Elizabeth Carver (7:22 p.m.), Alternate

Absent: Matt Leavitt, Randy Chase

Also present: George Sioras, Planning Director; Elizabeth Robidoux, Planning & Economic Development Assistant; Mark L'Heureux, Engineering Coordinator

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

Escrow

#18-15

Project Name: Subdivision Plan Map 9 Lot 139

Developer: Kevin Coyle

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 09139, 40 Old Chester Road

The request is to approve Release #2 in the amount of \$10,692.00 for the above noted project. The amount to retain is \$16,167.60.

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

#18-16

Project Name: DAR Builders, LLC

Developer: Same

Escrow Account: Same

Escrow Type: Cash Escrow

Parcel ID/Location: 03162, 149 Island Pond Road

The request is to approve a final release of cash escrow for the above noted project in the amount of \$24,105.60. The amount to retain is zero.

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

#18-17**Project Name: Indian Hill****Developer: Indian Hill Derry 2015, LLC****Escrow Account: Same****Escrow Type: Cash Escrow****Parcel ID/Location: 04003, Indian Hill Road**

The request is to approve Release #3 in the amount of \$15,018.05 for the above noted project. This is the final release. The amount to retain is zero.

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

#18-18**Project Name: 17-27 Ashleigh Drive, Self-Storage****Developer: Yvon Cormier Construction Corporation****Escrow Account: Same****Escrow Type: Letter of Credit****Parcel ID/Location: 08280-004, 23 Ashleigh Drive**

The request is to renew Letter of Credit #091501 in the amount of \$9,590.40 for the above noted project. The new expiration date will be September 29, 2019.

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

Minutes

The Board reviewed the minutes of the August 01, 2018, meeting.

Motion by MacEachern, seconded by Bartkiewicz to approve the minutes of the August 01, 2018, meeting as written. The motion passed with Connors and O'Connor abstained.

Correspondence

Ms. Davison advised the Board has received the most recent edition of *Town and City*, and an invitation to attend the 2018 Municipal Law Lecture Series. Three sessions will be held in the Town of Derry. The sessions are Planning Board Fundamentals, How to read a Survey Plan and the Professionals Involved, and Solar Power & Land Use. Session dates are October 10, September 26 and October 3. Interested Board members should speak with Planning staff. The Board has also received a notice from the Town of Salem regarding upcoming public hearings concerning conceptual discussion of 880,000 square feet of retail, restaurant, hotel, and

residential uses in Tuscan Village. The meetings will be held at the Salem Town Hall, 33 Geremonty Drive.

Other Business

The October 03, 2018 Planning Board meeting will be held in Room 207 as the Law Lecture Series will be held in the 3rd Floor Meeting Room.

Request to Extend Approval – MPV Development, 3 Nutfield Court/2 Highland Avenue

Mr. Sioras advised this is the first request to extend approval. The project is for a 32-unit multi-family residential development at 3 Nutfield Court. Part of that project includes a lot line adjustment with the neighbor. The applicant is requesting more time to finalize the plan conditions.

Motion by MacEachern, seconded by Chirichiello to grant a six-month extension to the conditional approval granted on February 21, 2018 to Ajit Kumar (MPV Development), PID 27094, 3 Nutfield Court for a 32 Unit, multifamily residential development. MacEachern also moved to grant a six-month extension to the conditional approval granted on February 21, 2018 to Ajit Kumar (MPV Development), PID 27094, 3 Nutfield Court and Sandra Willand, PID 27095, 2 Highland Avenue for a lot line adjustment. Motion seconded by Chirichiello.

Levin, Chirichiello, O'Connor, Davison, Connors, and Bartkiewicz voted in favor; MacEachern voted no as he did not vote to approve the original application; Granese voted no as he felt the applicant has had enough time to meet the conditions of approval. The motion passed.

23 Crystal Avenue, LLC – Escrow Requirement Discussion

Mr. Sioras explained the owners of 23 Crystal Avenue have requested that in lieu of cash escrow or a letter of credit, that they be allowed to establish a performance bond. The RSAs allow a performance bond as a form of acceptable surety. This would require a waiver of the LDCRs. Planning staff has spoken with Public Works. Mrs. Robidoux and Mr. Sioras met with David Caron, the Town Administrator to discuss the request. The Town Administrator supports the request. Internally, on a staff level, the Administrative Regulations would need to be changed. The developer is requesting this form of surety as it will give him the ability to move forward and meet the items of the conditional approval by mid-October. Staff would recommend approval of the waiver.

Mr. L'Heureux advised DPW will defer to the Finance Department to make sure the bond is a viable protection for the town, in a form that is appropriate with regard to the type of bond and that it is issued from an accredited institution. Mr. Sioras added the Town Administrator will put parameters in place to protect the town. Any surety of this type will need to meet the requirements of the Finance Department; that question was raised during the staff discussions.

Mr. O'Connor recalls the Planning Board was asked to amend the LDCRs to remove performance bonds as an acceptable form of surety a few years ago. The RSA states surety should be in a form as specified by the town regulations. The Planning Board can prescribe the type and amount of surety. Without seeing what the Town Treasurer is proposing, he would not be in favor of this request. The Board would need to vote to change the current regulations and amend the provisions of LDCR Section 170-70.

Mr. Connors had similar concerns but is taking into consideration the support from the Town Administrator and the comments from the Director of Public Works in his email. His question would be, does granting a waiver of this type set precedent? Mr. Sioras explained the correct RSA to reference is RSA 674:44. This law allows three options for surety. The economy is doing well and there is a limited chance of failure to complete the project by this developer. Staff will work with the Town Administrator on amendments and he feels confident approving this waiver and allowing a bond in this case. He supports the waiver. Mr. Connors asked if the Board would have the discretion to pick the form and type per project. The LDCR and Planning Board should follow the state law. Mr. Sioras said the town and Board can make sure all parameters are met.

Mr. Granese stated he did not have an issue with the request if Finance and the Town Administrator are in favor. Mr. Sioras explained the regulations would have to be changed. The last time changes had been made to the escrow policy there were many staff members involved in review of the policy.

Mr. MacEachern asked what the procedure would be to allow this request. Mr. Sioras said the Board would have to vote to grant the waiver, and the regulations would be revised. Mr. MacEachern said there is not a performance bond in front of the Board this evening noting the term and amount of the Board. Mrs. Robidoux said tonight the request is to waive the regulation. The developer would have to bring a performance bond back to the Board, hopefully at the next meeting so the Board can see the form and substance of the bond. In that time frame, the town should have time to amend the Administrative Regulation and bring any changes required for the LDCR to the Board. Mr. MacEachern said the Board does not currently know the name of the bond company or if they are local, regional, international, the rate, or what they are covering. Mrs. Robidoux said based on correspondence from the developer, the bond company would be A rated; the Finance Department would review that.

Richard Anagnost, of Anagnost Realty & Development, confirmed with Mr. L'Heureux the escrow is being posted for on and off site improvements such as the side walk, site utilities and the streetscape. The escrow has been estimated around \$200,000.00. The majority is for the utility hookups and work along the frontage. The Board conditioned the approval on the improvements being complete by October 15 as the Town is also under a deadline to get the road paved. He needs to start work immediately to accomplish this. The fastest way to get the escrow posted is to request the waiver and post a performance bond. He would utilize The Hartford as the surety company. He understands the past history the town has had and the problems the town has had in collecting on bonds of this type. He believes the town will now find that all bond companies are now A or A+ rated, and most are doing business in the United States. He has a long history with these types of bonds and has other bonds with other municipalities totaling in

the millions of dollars. He is very familiar with this type of surety. Because of the time frame, this is the best way to meet the conditions.

Mr. MacEachern asked if Mr. Anagnost could post cash as the form of surety. Mr. Anagnost explained he is the developer and not the only owner of the property. It would be difficult for his business partners to leverage the amount of cash need to post a cash escrow within the timeframe. The bond would be written against his company. He currently is able to bond up to 100 million dollars; he has 50 million in bonds at this time.

Motion by Chirichiello, seconded by Connors to grant a waiver from LDCR Section 170-70, Performance Guarantee Requirements and Procedure, to allow the posting of a performance bond as the form of security where the regulation requires either an Irrevocable Letter of Credit or cash. Authority to waive this regulation and accept a performance bond in lieu of the normal practice is found at RSS 674:44, III (e) and RSA 674:44, IV (b). Discussion followed.

Mr. MacEachern asked when staff would hear back from the Town Administrator. Mr. Sioras said within the next two weeks. Staff would bring to the Board revisions to the LDCR by October. Mr. MacEachern said he would not be in favor of this. The Board won't see the proposed changes until after the bond has been posted.

Ms. Carver entered the meeting.

Mr. L'Heureux cautioned work on the site cannot occur until this Board approves the surety. Mr. MacEachern said until the rules are amended, the developer can't begin work. Mr. Sioras explained that is why the developer is asking for a waiver; this will allow the plan to move forward. He is not advocating for or against. Mr. Connors asked if this was a one-time waiver. Mr. MacEachern did not believe the developer could put a shovel in the ground until the rules are approved. If the Board does not see the rules and agree on them at the next meeting, the developer is not going to be able to meet his deadlines. He is looking for a timeline. Mr. Connors confirmed if the developer gave the town cash tomorrow, he could start work tomorrow. If the developer provides a bond tomorrow, based on the waiver this evening, why can't he start work? The rules need to be fixed but if the Board grants the waiver, the Board is saying it will accept the bond instead of cash. Mr. Sioras agreed that is why the developer is asking for a waiver.

Mr. Granese said the LDCR allows Letters of Credit or cash. The State RSA also allows a performance bond as an acceptable form of surety. Mr. Chirichiello noted the state statute takes precedent. Mr. Granese said if the Board waives the regulation to allow a performance bond in a form that is acceptable to the Chief Financial Officer and the Town Administrator, the developer can begin work on the project. Mr. Sioras said the regulations would be updated. Mrs. Robidoux added if the Board grants the waiver this evening, the developer would likely have a bond ready to present to the Board at its next meeting for acceptance. Between now and the next meeting, the internal Administrative Regulation would need to be amended and then an amendment to the LDCR appendix prepared to present to the Board. The exact wording regarding the form of surety is contained in the appendix, not the LDCR. Changes to the appendix can occur during a regular meeting of the Board and do not require a public hearing.

Mr. O'Connor reminded the Board members there has been litigation against the Board for setting precedent. Anyone can request the same waiver from the Board. Mr. Granese felt the Board set precedent anytime it approved any waiver from its regulations. Mr. Connors confirmed the escrow would be held for on and offsite improvements. What happens if the developer is not able complete the required work by October 15th? Mr. L'Heureux explained the Town does its best to work with the developer. Sometimes the work is not completed by the required date. The road has to have time to settle so it can get through the winter.

Levin, Chirichiello, Davison, Connors, Bartkiewicz, and Granese voted yes; O'Connor voted no per his explanation about setting precedence and this is against the rules; MacEachern voted no – he agreed with O'Connor.

Mr. Granese asked staff to provide an update at the next meeting. Mr. Sioras said he agreed with the concerns expressed by the Board. Recommendation to the Board to approve the waiver was not given lightly. This is the first time in 25 years that this type of request has come before the Board. He recognized the need to look at the regulations. Mr. MacEachern stated this is a great project, but his concern is doing something without having a set rule in place. This is more of a town issue.

Public Hearing

**Pennichuck Water Works, Inc.
PID 10062-020, 8.5 Richardson Road
Acceptance/Review
Amended Subdivision
To designate the lot as buildable**

Mr. Sioras provided the follow staff report. The original subdivision was created in 1985 and this lot was set aside as a well lot and designated as unbuildable. The well has been decommissioned and Pennichuck would like to amend the note on the plan so they identify the lot as a lot of record for a single family home. The water system has been connected with the Maple Haven Water System. All town departments have reviewed and signed the plan. There are no waivers requested. Staff would recommend approval of the plan.

Mr. Sioras noted the Fire Department has advised it will not be changing the addresses as previously discussed at the last meeting. That has been put on hold for the time being. E 911 will be looking at all roads and addresses later in the year.

Don Ware, Chief Operating Officer, Pennichuck Water Works, presented. In 1985, Richardson Road was created by a developer and the development was served by a single well and pump house located with storage tanks on this lot. The pump station and storage tanks were removed in 2016 and the well was decommissioned and the system was interconnected with the community water system at Maple Haven. The goal is to not own this lot any longer so that Pennichuck rate payers are no longer paying taxes on the lot. The ZBA granted a variance on

June 7, 2018 to allow the parcel to be designated as a buildable lot with a frontage of 50 feet. They have met with the Technical Review Committee and Meridian Land Services has addressed those comments and plan issues. A septic design was created, and the plan shows a home can be placed on this lot and meet all of the other town regulations. At this time, Pennichuck Water Works seeks to amend the subdivision plan to designate 8.5 Richardson Road as a buildable lot.

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

Susan Buck, 6R Richardson Road, understands why Pennichuck would like to sell the lot, but there is a lot of wildlife on this lot. She has seen turtles, mink, barred owls, coyotes and bobcat tracks. The Cole Marsh is in the area. She feels a home will disturb the lot and the wetlands. She is asking the Board to not approve the request.

There was no further public input.

Motion by O'Connor, seconded by Bartkiewicz to close the public hearing. The motion passed with all in favor and review of the plan came back to the Board.

Mr. Chirichiello noted the request is to make this one building lot on 6.1 acres of land. The building envelope is shown on the plan and is closer to the road. Mr. Ware pointed out the prime wetland setback and the building envelope on the plan. The house will be set back about 400 feet from the roadway, based on the building envelope. The building envelope is about 1 acre in size.

Mr. Connors asked if more than one home could be constructed on this lot given the current zoning. Mr. Sioras noted the wetlands and advised this is a three-acre minimum zone, with 200 feet of frontage; there is not enough frontage to subdivide. Mr. O'Connor asked if the Conservation Commission had to review this plan. Mr. Sioras explained this is a lot of record; so not in this case. Mr. Ware said the intent is to market it as a single-family lot. Mr. L'Heureux said there were a few comments remaining, but those will be addressed.

Mr. MacEachern noted this plan was not reviewed by the Conservation Commission. Mr. Chirichiello said it is a lot of record. Mr. Sioras commented when the lot was originally created, there was no Technical Review Committee. Mr. MacEachern stated the ZBA granted the 50-foot frontage request without Conservation reviewing the plan. Mr. Sioras clarified the existing lot of record had 50 feet of frontage; this application went to the ZBA to allow a building lot with less than 50 feet of frontage.

Mr. Ware explained Pennichuck customers have no use for this land. It was acquired in the late 1980s as a well lot from the developer of Richardson Road and the well on the lot supplied 29 homes. The system has been connected with the Maple Hills System which was rebuilt a few years ago. The well has been properly capped and filled, and there is no longer a need for this lot.

Mr. Connors asked for an explanation of the Conservation Corridor shown on the plan. Mr. Sioras explained there are prime wetlands to the rear of the lot. A corridor was required along Cunningham Brook; this was placed on the original 1985 plan. The 27 acre lot behind 8.5 Richardson will have one single family home on it. Mr. Connors wanted to know if there are any plans to sell off any more of the Pennichuck lots; the lot on Brady has been for sale for a while and that lot could potentially support a three lot subdivision. Mr. Ware advised there is a 4.8 acre lot on Warner Hill Road for which the ZBA denied a variance. The lot on Brady is still on the market.

Ms. Carver asked about the existing drainage easement; any home constructed in the proposed building envelope would need to have its access through another lot. Mr. Ware advised there is an existing access easement. The driveway is outside of the 50 foot corridor and that put the easement on lot 10062-006R. There is an existing culvert there. This is why DPW has requested a driveway design as part of the approval.

Motion by Chirichiello, seconded by Bartkiewicz to accept jurisdiction of the application before the Board for Pennichuck Water Works, Inc., PID 10062-020, 8.5 Richardson Road.

Levin, Chirichiello, O'Connor, Davison, Connors, Bartkiewicz and Granese voted in favor; MacEachern voted no as this plan has not been seen by the Conservation Commission. The motion passed.

Motion by Chirichiello, seconded by Bartkiewicz to approve, pursuant to RSA 676:4, I, Completed Application, with the following conditions: add a note such that the single-family residence shall be serviced by a residential sprinkler system or cistern; cistern and/or sprinkler plans are to be reviewed and approved by Derry Fire Prevention; add a Planning Board signature block; the plan needs to be in a recordable format, acceptable to the Rockingham County Registry of Deeds; subject to owner's signature; subject to onsite inspection by the Town's Engineer; establish appropriate escrow as required to complete the project; obtain written approval from the IT Director that the GIS disk is received, operable, and complies with LDCR Section 170-24; sight distance profile shall be amended to meet the LDCR requirements which has the object in the driveway at 6 inches and 10 feet back from edge of pavement; add a detail to the plan that lists and depicts the driveway requirements in the LDCR, including construction details; conditions precedent shall be met within 6 months; a \$25.00 check, payable to the Rockingham County Registry of Deeds, shall be submitted with the mylar in accordance with the LCHIP requirement; submission of appropriate recording fees, payable to the Town of Derry. Discussion followed.

Mr. Connors said the plan is to develop this lot as a single family residence. Where the intent of Pennichuck Water Works is to not pay taxes on this lot, could this lot be donated to the Conservation Commission? It looks like it might be a hard lot to develop given the length of the driveway and the small building envelope. Mr. Sioras said he would not want to speak for the Conservation Commission or Pennichuck. Mr. Chirichiello noted this is already a lot of record and the building can be placed anywhere within the building envelope. Mr. MacEachern said the lot is within the 100 year flood plain and the Conservation Commission should look at the plan.

Levin voted no as she believed the Conservation Commission should have viewed the plan; Chirichiello voted yes; O'Connor voted yes, noting the buildable area is well outside the flood plain; MacEachern voted no as the plan should have been viewed by the Conservation Commission; Davison voted no, the documents state the land could be conservation land and that should be cleared up; Connors voted yes but asked the applicant to speak to the Conservation Commission, Bartkiewicz voted yes, Granese voted no for the reasons already stated, the land should be conserved, adding there is a lot of wildlife on the property and the town needs open space. As the vote is a tie, the motion failed, and the plan is not approved.

Mr. Sioras explained as it was a dead locked vote, it failed. The applicant can either appeal the decision to the Superior Court or go to the Conservation Commission. Mr. Ware stated he has no problem approaching the Conservation Commission. Pennichuck Water Works is a not for profit organization, similar to the town. They are paying \$6-7,000.00 per year in taxes for this lot. He will speak with his Board; he knows the lot does not have a lot of value. It does not make sense to appeal the decision, but his Board will decide. When they approached the Conservation Commission about a lot on Maple Hills, the Commission said they were not interested. This property is valued at \$221,000. This creates a hardship for the ratepayers. The existence of wildlife on the property does not make grounds for denial. Mr. Granese noted that was one of many reasons he cited for voting against approval. He did not realize Pennichuck was a non-profit entity. Mr. Ware explained they operate similar to the Derry Water Department where revenues typically equal expenses and any additional funding is held over to support other years.

Richard and Michelle Russo
PID 01019-014, 11 Spinnaker Drive
Scott and Michelle King
PID 01019-015, 09 Spinnaker Drive
Acceptance/Review
Lot Line Adjustment

Mr. Sioras provided the following staff report. The purpose of the plan is for a lot line adjustment between the two parcels. The applicant is asking for a waiver from the topography, HISS map, and state plane coordinate requirements as these are existing lots of record with two homes on them. Staff recommends approval.

Chris Hickey, of Eric C. Mitchell & Associates, Inc., presented for the applicants. This is a lot line adjustment between 9 and 11 Spinnaker Drive and is an even land swap of 1531 square feet between the parcels. The Russo family installed an irrigation system with some of the sprinkler heads on the wrong side of the lot line. Rather than moving them, the families decided to move the lot line. A variance was granted by the ZBA on February 15, 2018 to allow the King's shed to be within the side setback after the adjustment.

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

There was no public comment.

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

The Department of Public Works had no issues with this plan.

Motion by MacEachern, seconded by Bartkiewicz to accept jurisdiction of the Lot Line Adjustment application before the Board for Richard and Michelle Russo, PID 01019-014, 11 Spinnaker Drive and Scott and Michelle King, PID 01019-015, 09 Spinnaker Drive.

Levin, Chirichiello, O'Connor, MacEachern, Davison, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by MacEachern to grant waivers, seconded by Bartkiewicz, from the following sections of the LDCR: LDCR Sections 170-24.A.11 and 12, to not require topography and HISS mapping as 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; and LDCR Section 170-24.A.5 to not require state plane coordinates as 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.

Levin, Chirichiello, O'Connor, MacEachern, Davison, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to approve, pursuant to RSA 676:4 I – Completed Application, with the following conditions: Subject to owner's signature, subject to on-site inspection by the Town's engineer, establish escrow for the setting of bounds or certify that the bounds are set, establish appropriate escrow as required to complete the project, obtain written approval from the IT Director that the GIS disk is received and is operable and complies with LDCR Section 170-24, conditions precedent shall be met within 6 months, a \$25.00 check payable to Rockingham County Registry of Deeds should be submitted with the mylar in accordance with the LCHIP requirement, submission of the appropriate recording fees, payable to the Town of Derry.

Levin, Chirichiello, O'Connor, MacEachern, Davison, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

Mr. Hickey advised the monuments have been set and are shown as such on the plan, but they will forward a certificate to that effect. Planning staff will work with the IT Department on the GIS disk submittal requirements as the Board has waived the state plane coordinate requirement.

Pinkerton Academy
PID 08068-002, 31 Tsienneto Road
Acceptance/Review
Site Plan
Conversion of existing home to educational use

Mr. Sioras provided the following staff report. The purpose of the plan is to convert the existing single family home to an educational use, currently the Ombudsman program. All town departments have reviewed and signed the plan. There are several waiver requests as outlined in the letter from Fuss and O'Neil dated August 13, 2018. Staff recommends approval of the waivers and the site plan application.

JoAnn Fryer, of Fuss and O'Neil, presented with Dr. Timothy Powers, Acting Headmaster at Pinkerton Academy. Also present was Ryan Robinson of Pinkerton Academy.

Dr. Powers provided an overview of the project and the Ombudsman program. Ombudsman is an alternative learning program offered at Pinkerton. To date, the program has been located off site on A Street. Through this program, they have the ability to work with a total of 40 students throughout the day. There are three different sessions during the school day and each session has between 10 to fourteen students each. The program is for students who for one reason or another are unable to thrive in the traditional classroom setting or need to catch up on credits. Having the classes off the main campus allows the students to acclimate better. There has been a concern with having the program so far from campus; some of the students come to school via bus and had to walk to the program. This location is also away from campus but close enough the students can walk there easily, and it allows the administrators and guidance counselors the ability to work with the students. Dr. Powers said they are hopeful they can bring these students on campus as they are a part of the Pinkerton community. Having them on campus, in that location, will assist in meeting the needs of all students.

Ms. Fryer advised her firm prepared the site plan for Pinkerton. There is an existing residence on site. Pinkerton was granted a variance by the ZBA to allow the educational use in the zone this past August. The changes to the site are minimal. They are widening the entrance to 24 feet for fire access and a one way loop will be widened to 18 feet. The exit lane will remain at 11.3 feet; fire apparatus will be able to turn around and would exit through the 24-foot-wide access. They are adding seven parking spaces near the entrance, two at the island which will include handicap parking spaces and there are some spaces available at the front of the building. They are constructing a handicap ramp to the front and reconstructing the back deck which was in disrepair. They will add two fence areas, one along the exit driveway and one around the pond. They plan to expand the low spot where stormwater now collects to gain additional treatment area. The stormwater will flow to the wetland complex located on Pinkerton's property. The existing septic is designed for 300 gallons per day. The expected flow for 20 occupants is 200 gallons per day; therefore the existing system can handle the flow. The sight distance exceeds the minimum 200 feet in each direction. They have addressed the comments from DPW such as the depth of cover over pipe and the sight distance calculated at a height of 6 inches.

Motion by MacEachern to open the public hearing, seconded by O'Connor. The motion passed with all in favor and the floor was open to the public.

There was no public comment.

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

Mr. Chirichiello asked if there was any intent to upgrade the septic system after confirming this is a two bedroom septic system. Ms. Fryer stated the septic is designed for 300 gallons per day. She is not certain of the size of the existing tank, but as the house was constructed in 1990, it is likely a 1000 gallon tank. Dr. Powers said there would be a maximum of 15 people in the building at a time, for a period of three hours. They don't feel they need to upgrade the system at this time.

Mr. Connors asked with regard to the fencing at the pond; why is it being fenced off. Dr. Powers explained the school does not want students going in the pond. Mr. Connors noted there is wildlife in the area and a fence can be an impediment to some wildlife, such as turtles, and if the fence abutted the ground, it could keep them out of the pond.

Mr. MacEachern had a question about the proposed layout of the property. How far back does the property go and does it abut existing Pinkerton Academy property? Are there any plans to connect to existing property? Dr. Powers said this lot does abut property owned by Pinkerton. They are working on engineering a driveway on an abutting lot that will lead to Tsienneto and serve as a secondary access. They do not have final plans for that. They acquired 31, 33 and 35 Tsienneto Road.

Mr. L'Heureux advised DPW has no issues with this plan. The applicant addressed all of their comments.

Mr. O'Connor said he was looking at this project from a global perspective. Exit 4A will come down Tsienneto and pass this lot. This may modify the frontage of this property as the plan is to add sidewalks. He is not certain how that project will affect this lot. The other issue is the water flow that comes from Rider Field. It flows under the street in this area. A 55 and older development is planned across the street and that will change the watershed in this area. He wonders if the Board should conduct a site walk. Is DPW comfortable with this site coming out onto Tsienneto, especially given the amount of traffic at the end of the school day? He is not sure how many cars will be diverted to Tsienneto with a new access driveway. During the ZBA hearing it was stated this property will stay on the tax roll; is that correct? Dr. Powers stated he was asked by a ZBA member if they would pay taxes on this property. Pinkerton received a tax bill shortly after they purchased the property and Pinkerton paid that bill.

Mr. MacEachern felt Mr. O'Connor raised valid points in regard to Exit 4A which is a moving target. He is aware of the project adjacent to Rider Field. Pinkerton owns property on Tsienneto Road and has future plans. That does not affect or change this project at this time. That could change depending on what they do with the next few properties. The current number of curb

cuts on Tsienneto will decrease as Exit 4A is constructed. This is a tough area to get in and out of at certain times of the day and he would recommend traffic studies to see how traffic would be affected by a new access. Dr. Powers said the students coming to this site will be doing that at off hours so it will not affect the 2 p.m. traffic. Mr. MacEachern stated he is not as concerned about this project as he is with the next few projects. The Board needs to think about Exit 4A; there is a lot of work to be done in this area. He feels the Planning Board should hold a site walk and have Pinkerton representatives join the walk and obtain feedback. The Board needs to think about this entire intersection and the next 200 feet down the road. This project is straightforward. He agrees with Mr. O'Connor a site walk should be conducted at some point, but this project is not affected. Dr. Powers confirmed the sessions at Ombudsman run from 7:00 a.m. to 10 a.m; 10:00 to 1; and 1 p.m. to 4 p.m. The main Pinkerton campus runs 7:15 a.m. to 2:10 p.m. The first group has a similar start schedule. There are between ten and fourteen students per session. The maximum class size is fourteen for a total of 40 students during the day.

Mr. Connors had questions about the number of parking spaces. With 10 – 14 students and employees, will there be enough parking? Do students walk over from the school? Dr. Powers advised there are 7 new parking spaces closer to the entrance; three spaces at the garage, spaces in the garage, handicap spaces, and a space adjacent to the garage for a total of 14 spaces. Mr. Connors commented he sees the existing traffic patterns at Pinkerton now and the school does a good job of directing it. Having access to Tsienneto would alleviate some of the traffic issues and act as a relief valve. He feels the bigger issue will be the development at 42 Tsienneto. Mr. Sioras stated he does not disagree with site walk for the larger project next month, but the project before the Board tonight is fairly straightforward. The Fire and Building Departments review the internal changes. NH DOT is generally aware of the projects proposed in this area. Once the final design of Exit 4A is complete, NH DOT will be contacting property owners. For tonight, the Board can move forward with the plan for the Ombudsman program.

Mr. O'Connor asked if the Board should hold a site walk connected with this plan. Mr. MacEachern did not believe one was necessary for this project. There should be site walk to view the overall area. When asked, the other Board members did not feel a site walk was necessary for this project.

Ms. Carver had questions about the septic system. When uses change on properties, is the septic capacity something the town departments look at? Mr. Sioras said when a property owner applies for a building permit, the Building Department does look at it and occasionally will suggest a septic plan be amended. If there needs to be a change, it will be addressed as part of the final Occupancy Permit. Mr. Chirichiello said there is no way for the Board to know if the leach field had been recently redone. There is limited space on this property if the system fails or if they need to expand the septic system. Water and sewer hook ups are not far from this property. If the infrastructure gets closer to the lot, would Pinkerton consider connecting to it? Dr. Powers said they would consider it.

Motion by MacEachern, seconded by Bartkiewicz to accept jurisdiction of the site plan application before the Board for Pinkerton Academy, PID 08068-002, 31 Tsienneto Road.

Levin, Chirichiello, O'Connor, MacEachern, Davison, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant the following waivers, LDCR Section 170-61.A.4, Submittal Requirements to allow only a partial boundary on the plan with reference to the full boundary survey. After review of the waiver request the Board finds that strict conformity to the regulation would pose an unnecessary hardship to the application and the waiver would not be contrary to the spirit and intent of the regulations; LDCR Section 170-61.A.12, HISS Mapping, as after review of the waiver request the Board finds that strict conformity to the regulation would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations, and LDCR Section 170-65.B. Stormwater Management Requirements to allow a slight increase in peak runoff rate in the 25 year storm event as after review of the waiver request the Board finds that specific circumstances relative to the plan, or conditions of the land in such plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Levin, Chirichiello, O'Connor, MacEachern, Davison, Bartkiewicz and Granese voted in favor; Connors abstained citing there may be a perceived conflict of interest and he would prefer to abstain. The motion passed.

Motion by MacEachern, seconded by Bartkiewicz to approve, pursuant to RSA 676:4, I, Completed Application with the following conditions: Subject to owner's signature, subject to on-site inspection by the Town's Engineer, establish appropriate escrow as required to complete the project, obtain written permission from the IT Director that the GIS disk is received, is operable, and complies with LDCR Section 170-61; adjust the plan to conform to the grading modification discussed with DPW via email on August 15, 2018, modify the sight distance profile to meet the LDCR requirements for the object to be 6 inches in height and 10 feet off the edge of pavement, note approved waivers on the plan, conditions precedent to be met within 6 months; a \$25.00 check, payable to the Rockingham County Registry of Deeds should be submitted with the mylar in accordance with the LCHIP requirement, submission of appropriate recording fees, payable to the Town of Derry. Discussion followed.

Mr. O'Connor inquired as to the timing of the project and it was confirmed the interior of the building will be ADA compliant. Dr. Powers said as soon as possible to get the students in the building.

Levin, Chirichiello, O'Connor, MacEachern, Davison, Bartkiewicz and Granese voted in favor; Connors abstained for the reason cited previously. The motion passed.

Mr. MacEachern requested a site walk be conducted and that representatives from Pinkerton be invited to walk the area. Parking could occur at Rider Field and then the walk would encompass the new car dealership, and the area surrounding the intersection. A map of the area should be provided. Mr. Granese suggested holding off on this discussion until the end of the public hearings.

11 Tsienneto Road, LLC
PID 08073, 08074, and 08075, 11, 15 & 9 Tsienneto Road
Acceptance/Review
Lot consolidation and two lot subdivision

Mr. Sioras provided the following staff report. This is a two-part plan. The first phase is to consolidate the three lots and then subdivide the area into two lots. A site plan for a new medical office building will follow this application. The property is located in the General Commercial II zone. All town departments have reviewed and signed the plan. There are no waiver requests. Staff recommends approval of the lot consolidation and subdivision plan.

Chris Nickerson of Nickerson Design, owner's representative, and Tucker McCarthy of Keach Nordstrom Associates presented the plan. Mr. Nickerson advised they have been before the Conservation Commission three times, TRC twice, and before the Highway Safety Committee. They hope to obtain approval this evening. The project is in two phases. The first phase is the lot consolidation and then re-subdivision of the three lots of record. The plan is to construct an 18,000 square foot building; the remaining 2 ½ acre lot will remain vacant at this time. In the long term, they will develop the lot as a unified site, with a similar look and feel to what was done across the street at 14 Tsienneto. The driveway aligns with 14 Tsienneto Road and they will utilize the same architect as was used for 6 and 14 Tsienneto. This is a cohesive look and they want to continue that. A professional traffic study was conducted as well as a drainage study. VHB has reviewed the plan and they do have a few waiver requests.

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

There was no public comment.

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

Mr. Granese asked if a traffic light is now required for development of this lot. Mr. Sioras explained that per the results of the traffic study, the warrant has not been met to install a traffic light at this location. When the remaining lot is developed, and as Exit 4A is built out, one will likely be required. Mr. Granese recalled during previous discussions when the Board reviewed the plans for 14 Tsienneto statements had been made that any development on this lot would trigger the warrant for the traffic light, which was part of those approvals. Mr. Sioras said based on the size of the proposed building and traffic volume, one is not required. The time frame expired so all funds had to be returned.

Mr. MacEachern reminded the Board they were looking at the lot consolidation plan, not the site plan at this point. Mr. Granese said he wanted the information about the light because they were combining the lots, and traffic is an issue. Mr. Nickerson stated in the past there had been discussions about a signalized intersection to address the four properties owned by the applicant. There are two properties on the north side of Tsienneto Road and two on the south side of the road. In the past, the developer put up a dollar amount in escrow for a future light. The time

period lapsed, and the money was returned. The current traffic study does not show warrants for a signal. The property owner feels a signalized intersection will benefit the property owners on the street. The warrants do not exist yet to require a traffic light at this time. The owner is not for or against a traffic light. Exit 4A is a big discussion item and this property owner is likely the largest stakeholder for the Exit 4A project and is part of that discussion. The owner feels a traffic light could be discussed as part of those discussions. Mr. Sioras noted the town has also used Steve Pernaw as a traffic engineer; Mr. Pernaw's report does not recommend a traffic light at this time. It is known a light will be needed at some point, but not right now.

Mr. L'Heureux stated DPW has no issues with the lot consolidation application,

Motion by MacEachern, seconded by Bartkiewicz to accept jurisdiction of the lot line consolidation and subdivision application before the Board for 11 Tsienneto Road, LLC, PIDs 08073, 08074, and 08075, 11, 15 and 9 Tsienneto Road.

Levin, Chirichiello, O'Connor, MacEachern, Davison, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to approve, pursuant to RSA 676:4, I, Completed Application, with the following conditions: subject to owner's signature, subject to on-site inspection by the Town's Engineer, establish escrow for the setting of bounds or certify the bounds have been set, establish appropriate escrow as required to complete the project; obtain written approval from the IT Director that the GIS disk has been received, is operable and complies with LDCR Section 170-24, conditions precedent to be met within 6 months, a \$25.00 check, payable to the Rockingham County Registry of Deeds shall be submitted with the mylar in accordance with the LCHIP requirements; submission of the appropriate recording fees, payable to the Town of Derry.

Levin, Chirichiello, O'Connor, MacEachern, Davison, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

11 Tsienneto Road, LLC

PID 08073, 08074, and 08075, 11, 15 & 9 Tsienneto Road

Acceptance/Review

Site Plan, 17,669 square foot medical office building

Mr. Sioras provided the following staff report. The purpose of the plan is for a 17,669 square foot medical office building located in the General Commercial II zoning district. All town departments have reviewed and signed the plan. There are several waiver requests relating to lots, parking requirements, and landscape standards. Staff recommends approval of the waiver requests and of the site plan application. The Board will likely want to discuss plantings to the front and the traffic.

Mr. McCarthy advised they met with the Conservation Commission, which held a site walk. The Commission's concerns and requests were met. There are several waiver requests. The first is a

waiver from Section 170-25.5, Lots, to allow access through a lot that is not its own. Because they located the driveway to align with the driveway across the street which would assist with the location of a future light, they are proposing an access easement across the adjoining lot. The remaining three waivers are as follows. They would like a waiver from the requirement that prohibits parking within 15 feet of the front property line. In order to maintain the required setback from the wetlands and to provide the required number of parking spaces, it is necessary to place the parking closer than 15 feet to the front lot line. They moved the building up closer to Tsienneto Road to accommodate the request from the Conservation Commission to keep the building well away from the wetland. They have met the street tree and landscape requirement. The next waiver is from Section 170-63.A.6 to not provide a 15 foot wide curbed, raised and landscaped island between the parking spaces and the public street for the same reasons. Because of the grade, it would be difficult to meet the requirement and not affect drainage. There is 17 feet between the edge of pavement and the proposed parking spaces. There is a pinch point at the corner closest to Tire Warehouse. The last waiver is from Section 170-64.B.1 to not provide a 15 foot wide street tree strip along the frontage. The required plantings have been provided but because of the site constraints they will need to reduce the space between the parking spaces in the front and the lot line. Mr. Nickerson noted Mr. Verostick of VHB expressed no exception to the waiver requests as requested.

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

There was no public comment.

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

Mr. Nickerson reviewed the site development and its relation to the other buildings in the area. 6 Tsienneto Road is just under 100,000 square feet in size and is a four-story building (3 stories above grade). 14 A Tsienneto is 35,000 square feet, with three stories above grade and a basement that is used for storage. 14 B Tsienneto is 11,000 square feet, and is two stories tall, constructed on a slab. This building is proposed at 18,000 square feet, one story, and will be on a slab. The intended use in the building is for an ambulatory surgical center with medical office. There is an ambulatory surgical center across the street with a business (medical) use on the second floor. This one will have the uses side by side rather than up and down.

Mr. MacEachern noted this development maps into what the Board had planned and discussed years ago for this area. He applauds the developments and recalls discussing the potential intersection in the past. His concern is not what they are doing on this lot, but the effects of Exit 4A. Tsienneto Road is currently one lane on each side with a center turn lane. There are plans to increase this to two lanes on each side, with a center turn lane and sidewalks. That could take away some of the frontage. Has that been considered? Mr. Nickerson advised they have been closely following the developments of Exit 4A. The latest plans they have viewed showed four travel lanes to Fireye transitioning to two travel lanes near 6 Tsienneto, continuing past Irving, with sidewalk and a wide bike lane which would all sit on the north side of the road, rather than the south where this project is planned. Mr. MacEachern said there is a fairly wide shoulder up

to the Post Office. He wants to consider all things and make sure the exit is not going to impact this project.

Mr. L'Heureux noted all of the discussion about the final path of Exit 4A is conceptual. The latest concept showed 4-5 lanes in front of this property with a sidewalk on both sides of the road, all the way up to the Irving station. He urged caution on behalf of the Board when considering the waiver. He knows the applicant is penned in with the development. Their buffer to the front might become valuable property and it may impact their parking. The buffer will take away any potential property that could be adjusted there.

Mr. Connors asked if the state can take the parking lot by eminent domain. Mr. Nickerson said the waiver request was precipitated by the Conservation Commission. They were asked by the Conservation Commission to get the building away from the wetland. They have provided two spaces in excess of the requirement. They could eliminate two spaces at the pinch point to gain some extra room. Mr. Connors noted there is about 50 feet behind the building; if they moved the building back by granting a waiver to the wetland setback, would it give more room to the front. Mr. Nickerson said that might not work as they need a full 75 feet from the building to the wetland. Mr. MacEachern felt the Board needed to consider what Exit 4A might do as far as widening the road. What can be done to mitigate that? Would the developer prefer to decrease the number of parking spaces? He does not want this to be constructed and then have the state come in and take away the parking. Mr. McCarthy said they had been looking at a reduction in the size of the parking spaces before and a waiver of that type could help. Mr. Nickerson added the regulation calls for a 9 x 20 parking space. If that was decreased to 9 x 18, they could add four extra feet in the front. They are proposing 93 spaces where 91 spaces are required. Mr. McCarthy advised they are providing those two extra spaces for snow storage at the request of the Conservation Commission so that the snow is not pushed into the wetland. Mr. Granese asked in regard to the waiver for the 15 foot landscaped island. Mr. McCarthy said they could curb the spaces against the road, but don't have the room to create the 150 foot island.

Mr. Connors said the future development on the second lot will have access through the same road and felt the developer would gain additional spaces when that lot is developed. It is possible if the state takes any of the parking on this lot, it can be made up on the other lot.

Mr. MacEachern said the Conservation Commission requested the building be positioned to protect a wetland that is not a prime wetland or marsh. Planning staff felt it was more of a seasonal wetland. Mr. MacEachern would rather see the building pushed back so that there is room in the front to accommodate any road improvements. He would feel different if it was a pond or always filled with water. Mr. O'Connor thought that would then push them into the threshold that requires an Alteration of Terrain permit. Mr. Nickerson said they are currently below the area required to apply; there is some wiggle room and they probably won't need to apply for a permit. They want to avoid the delays necessitated by applying for that type of permit. Mr. Connors asked if when the developer was working on the plan, and considering Exit 4A, did they look at the 46 foot width of Tsienneto Road. Mr. Nickerson said they did. Mr. O'Connor said any changes to that will create a delay in acquiring land. Is there any thought to using pervious pavement on this site? Mr. Nickerson said they are using standard style pavement

with an infiltration style system so that the runoff is treated and recharged into the ground. This lessens the delivery to the wetland side.

Mr. L'Heureux stated VHB had comments about the threshold for the AoT permit. The threshold is 100,000; the project is around 98,000. His concern is the amount of disturbed area. When construction starts, the disturbed area gets bigger. They may need to think about an AoT permit. Mr. Nickerson said they will work together on that. He knows they will do all they can to stay within the limit so they don't need a permit. Mr. McCarthy explained their stormwater design meets the state requirements; in the event they have to apply for an AoT permit, they are proactively providing the level of design the state would look for. Mr. L'Heureux said they will need to add structure details and tweaks on the infiltration system. Some of the drainage components are not yet complete and he is aware they will work on that. The remainder of the VHB comments are fairly minor.

Mr. Connors asked if it helped to move the building back. Is the 75 foot buffer there for future development or a regulation? Mr. Nickerson said they want an approved design so that they can get the building up. Mr. McCarthy was not sure moving the building would help to gain the 15 feet they would need to the front even if the buffer was reduced from the required 75 feet. Mr. MacEachern asked if they are comfortable with what may happen with Exit 4A? Mr. Nickerson said they are keeping a close eye on what is happening.

Ms. Carver asked if Exit 4A eats into the parking lot will that also affect the plantings? Will there be recourse for new plantings? Mr. McCarthy thought it would be hard to say. The road is 44 feet wide; there is parking 17 feet of the edge of existing pavement. If the roadway impedes on the existing parking spaces, he believed they could provide additional plantings elsewhere. Mr. Nickerson related what happened in a similar situation in Windham off of Exit 3. The state widened Route 111 to 4 lanes. After the taking, the building was 3 feet off the right of way. In this case it is not the building, it is the parking which is 17 feet off the roadway. In Windham, they still have beautiful landscaping. Ms. Carver asked with regard to the traffic light. She assumes the study included the proposed traffic from this development, existing traffic, and traffic from Exit 4A. At what point does the light become necessary? Mr. Sioras said the study stated based on the number of cars for this property, the warrant for the light is not triggered. If the second phase of development occurs, the second lot will likely trigger a light.

Mr. Granese asked for a description of the outside of the building. It will look like a one-story version of 6 Tsienneto Road.

Motion by MacEachern, seconded by Bartkiewicz to accept jurisdiction of the site plan application before the Board for 11 Tsienneto Road, LLC, 11 and 15 Tsienneto Road, PIDs 08073 and 08074.

Levin, Chirichiello, O'Connor, MacEachern, Davison, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to grant waivers from the following sections of the LDCR, Section 170-25.5, Lots, to allow access to a lot that is not through its own frontage as specific circumstances relative to the plan, or conditions of the land in such plan will properly carry out the spirit and intent of the regulation; LDCR Section 170-63.A.2, General Parking Requirements, to allow parking spaces within 15 feet of the front property line as specific circumstances relative to the plan, or conditions of the land in such plan will properly carry out the spirit and intent of the regulations; LDCR Section 170-63.A.6, General Parking Requirements, to not provide a 15 foot wide curbed, raised and landscaped island between the parking spaces and the public street as strict conformity to the regulation would pose an unnecessary hardship and the waiver will not be contrary to the spirit and intent of the regulations; LDCR Section 170-64.B.1, to not provide a 15 foot wide tree strip along the lot frontage as specific circumstances relative to the plan, or conditions of land in such plan will properly carry out the spirit and intent of the regulations.

Levin, Chirichiello, O'Connor, MacEachern, Davison, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

Motion by MacEachern, seconded by Bartkiewicz to approve, pursuant to RSA 676:4, I, Completed Application, with the following conditions: comply with the Vannasse Hangen Brustlin report dated August 27, 2018 and any subsequent reports; subject to owner's signature; subject to onsite inspection by the Town's Engineer, establish appropriate escrow as required to complete the project; obtain written approval from the IT Director that the GIS disk is received, is operable and complies with LDCR Section 170-61, note approved waivers on the plan, subject to receipt of state and local permits related to the project; conditions precedent shall be met within 6 months, snow and ice removal shall be performed by a "Green Sno Pro" certified contractor following Best Management Practices for the application of de-icing materials, add modifications to the underground detention system to meet the LDCR requirements that are acceptable to DPW based on their review.

Levin, Chirichiello, O'Connor, MacEachern, Davison, Connors, Bartkiewicz and Granese voted in favor and the motion passed.

Discussion of future site walk

Mr. Granese asked if the Board wanted to hold a site walk in the area of Tsienneto Road. Mr. Sioras noted in two weeks the Board will see the 55+ development; he suggested reviewing that plan and then deciding if one should be held. Mr. Granese noted if a site walk is held, it would need to be on a Saturday; it is starting to get dark earlier. Where the next public hearing involves a big development and the Board usually holds site walks on those, it might be best to schedule it at the next meeting.

Edward Boutin

Mr. Sioras noted the passing of Attorney Edward Boutin who did a lot of work for the Planning Board over the last 20 – 25 years; he was instrumental in the development of the Growth Management Ordinance and many zoning changes.

There was no further business before the Board.

A motion was made and seconded to adjourn. The motion passed with all in favor and the meeting stood adjourned at 9:38 p.m.

Approved by: _____
Chairman/Vice Chairman

Secretary

Approval date: _____