



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes
October 31, 2012

Board Members:

Margaret Crisler, Chairman – Present

Ruth-Ellen Post, Vice Chairman– Present

Pam Skinner, Member – Present

Kristi St. Laurent, Member – arrived 8:30pm

Jonathan Sycamore, Member – Excused

Carolyn Webber, Member – Present

Ross McLeod, Selectman Alternate – Excused

Kathleen DiFruscia, Selectman, Member – Excused

Sy Wrenn, Alternate Member – Present

Vanessa Nysten, Alternate Member – Arrived 7:10pm

Lee Maloney, Alternate Member – Present

Staff:

Laura Scott, Community Development Director

Elizabeth Wood, Community Planner

Nancy Prendergast, ZBA/Code Enforcement Administrator

Mimi Kolodziej, Minute Taker

Call to Order/Attendance/Pledge of Allegiance

Chairman Crisler called the meeting to order at 7:02pm, followed by the Pledge of Allegiance and attendance.

The Chairman appointed Ms. Maloney to sit for Ms. St. Laurent and Mr. Wrenn to sit for Mr. Sycamore.

2013 Town Meeting Public Hearing

Vice-Chair Post read Section 706 Sign Regulations into the record.

Section 706 Sign Regulations

Amend Section 706.6.2.4 to allow temporary signs to be displayed for 30 consecutive days instead of 15 consecutive days with 15 day renewal; Amend Section 706.6.2.7 to include language that there is no fee required for the entities referenced in this section; Amend Section 706.7.3 to allow Open House signs to be displayed 72 hours prior to the event; Add a new Section 706.7.8 to allow a temporary sign advertising “Coming Soon”, “Grand Re-Opening” or similar event to be displayed while a business is under construction and until its opening; Amend Section 706.8 *Sign Specifications by District* to remove reference to changeable copy in Commercial District by deleting Footnote C, and then changing Footnote D, E and F to C, D and E respectively; and in Section 706.8 under *Zoning District Abbreviations*, replace “Comm. = Commercial A, B, and C” with “Comm. = Business Commercial A and B”.

Ms. Prendergast introduced the Board to a letter from her to them regarding recommended edits to the Sign Ordinance - Section 706, a red-lined draft, and a comment memo from legal council. She proceeded to walk through the various suggested changes.

- Ms. Prendergast suggested a language change in the last sentence of Section 706.7.3. After discussion, the Board agreed to add the following italicised language to the end of the last sentence: “...during the Open House event, and 72 hours prior for a non-residential open house event.”

- Section 706.7.8 is a newly added section, and the Board agreed to accept the new section with one change. The final word will be changed from “in” to “located.”
- In Section 706.8 Sign Specifications by District, Mr. Prendergast noted an inconsistency between the chart and a footnote. The Board agreed to delete footnote C and appropriately reassign letters to the footnotes that followed. Attorney Campbell had also noted the inconsistency.

With no further comments/questions from the Board, the Chair opened discussion to the Public. Hearing none, she closed the Public portion of the Hearing.

- Ms. Nysten asked “What if there is delayed construction.” Mr. Wrenn said that if construction stops, then the site is no longer under construction, and the sign would need to be removed.

Ms. Webber motioned and Vice-Chair Post seconded to move the Sign Ordinance, Section 706, to the Town Warrant as amended. Motion Passed: 6-0.

Section 719 Historic Demolition Ordinance

Delete the existing Section 719 “Demolition Ordinance” and replace it with a new Section 719 “Historic Building/Structure Demolition/Substantial Modification Delay Ordinance”; Create a “Purpose and Authority Section”; Create a “Definitions” Section for the purposes of this specific Ordinance and its implementation; Create a “Criteria” Section under which this Ordinance would apply for building permits and Planning Board applications; Create a “Procedure – Building Permits” to be followed for all applicable building permit applications under this Ordinance; Create a “Demolition/Substantial Renovations” Section relative to the issuance of a permit; Create a “Procedure – Planning Board Applications” to be followed for all applicable Planning Board applications under this Ordinance; and Create an “Exceptions” Section for where this Ordinance would not apply.

Vice-Chair Post read Section 719 Historic Demolition Ordinance into the record.

Chairwoman Crisler stated that the Board would need to decide whether Attorney Campbell’s 10/9 Memo comments regarding this Section needed to be incorporated and, if they were, are they significant enough to need reposting for a later public hearing.

Ms. Scott recognized the work that Ms. DiFruscia, and the HDC/HC had performed on this ordinance and walked the Board through Attorney Campbell’s comments regarding the definitions of “building” and “structure.”

Board comments/questions included:

- Ms. Webber expressed concern for “things” that need to be preserved that are not buildings or structures; such as, Butterfield Rock. Ms. Scott explained that such “things” are captured in Section 719.6 under the definition of Cultural Resource List. The new ordinance will pick up the Archaeological List which includes the Historic Resource List which will not be on the Planning Board application.
- Ms. Scott walked through the list of concerns on Attorney Campbell’s memo. With the exception of a typo in Section 719.3, all other recommendations by Attorney Campbell were simply clarifying recommendations. Chairwoman Crisler asked Ms. Scott if she thought the changes were significant enough to need another Public Hearing. Ms. Scott did not think so.

Chairwoman Crisler opened the Hearing to the public.

- Ms. Carolyn Pynn, Chair of the HDC/HC, said that the Commission found Attorney Campbell’s suggestion to use the definition of “Building” in Section 200 too restrictive in that it does not protect ancillary structures and large archaeological structures such as, Indian Rock and Butterfield Rock.

Ms. Scott noted that the Cultural Resource List includes such structures under its definition which includes archeological structures determined and updated by the Heritage Commission. This is stated in Section 719.6.

- Regarding Attorney Campbell's suggested modifications of the definition of "sign," Ms. Pynn said the Commission concluded that the definition does not say what the sign is. She suggested that the definition should include the dimensions of the sign (36in X 36in), the color (black lettering on a bright background), and include in large lettering the words, "This building is to be demolished." It should also include contact information and the proposed date of the demolition. Chairwoman Crisler said that the HC can determine what they would like the sign to say. By leaving it purposely generic, they are allowed that liberty. Otherwise, any change they would like to make would require them to receive approval from Town Meeting. Ms. Pynn agreed that it would be better to leave it as it is (in Atty Campbell's memo), then.
- Ms. Pynn asked who purchases the signs, as the HC has a very small budget. Ms. Scott will obtain financial quotes for a couple different size signs, and she spoke to Mr. Sullivan in order to receive approval for the HC budget.
- The Board agreed to Ms. Scott's suggestion to add the following language at the end of the definition of "Substantially Renovate:" "...and would require a building permit or Planning Board approval."
- The Board agreed to correct a typo / grammatical error in Section 719.3 as reworded by Atty Campbell in his memo. In the last line, the word "appeal" is to be corrected to read "appear."
- The Board agreed to reword the last sentence in Section 719.3 by deleting the last 2 words and inserting the words "applies to" after the words "Section 719.6."
- The Board agreed to add an introductory phrase at the beginning of Section 719.4 which states, "Except as provided in Section 719.7,...."
- The Board agreed to add to the end of Section 719.4.5 and Section 719.6.4, the words "or the application is withdrawn by the applicant."
- The Board agreed to accept Attorney Campbell's rewording of Section 719.7.2 as detailed in his memo.
- Ms. Pynn wanted to be assured by the Planning Board that they will not use the ZBA's definition of "Building." that's in Section 200 of the Ordinance. The Planning Board and Ms. Scott agreed they would not. Ms. Pynn thanked Ms. Scott and Ms. DiFruscia for the tremendous amount of work they ~~she~~ put into this effort.
- Vice-Chair Post recommended the following language and punctuation edits that would not change the intent, and the Board agreed to accept them:
 - All definitions should end with a period (some did not).
 - Under the Purpose Section, the third bullet should be broken into a fourth bullet after the first semi-colon and start, "To provide a reasonable..."
 - Section 719.4.3 The 2nd sentence should read: "The HC will provide notification of such decisions to the Community Development Department in writing and to the applicant by certified mail."
 - In the last line of 719.4 the word "it" should read as "is."
 - In Section 719.4.1, the words, "by certified mail" are to be added after the words, "will provide." The words, "via certified mail" at the end of the sentence are to be deleted.
 - In Section 719.4.2, after the word "phone" the phrase should read, "notice to the HC Chair..."
 - In Section 719.4.4, delete "to the Community Development Department and the applicant of the HC's interest to do so." After "days", add "of Community Development and the applicant being notified" It was noted that the PB must appoint a Review Committee. That Review Committee could be the HC.
 - In Section 719.4.5, delete "...which is to be provided by the Community Development staff." Add a semicolon after the word "property" and continue it to read: "; the sign shall remain on the site in a location visible to the transient public until a permit is issued by the Community Development Department or the application is withdrawn by the applicant."

- Section 719.6.3, shall read, “Ten calendar days prior to when the application has been scheduled for a Planning Board public hearing, notification will be provided to the HC requesting comments for the Planning Board to consider.”
- Chairwoman Crisler stated that there was no need to request another public hearing and asked if anyone disagreed. No one disagreed.
- Ms. Pynn requested that she receive a clean copy of the changes.

Chairwoman Crisler closed the Hearing to the public.

Ms. Webber motioned and Ms. Maloney seconded to move to Town Warrant as amended Section 719 Historical Building/Structure Demolition/Substantial Modification Delay Ordinance. Motion passed: 6-0.

Multi-Zoned Parcels

1. To amend the current zoning of 13-B-71 (Salem Road) from Business Commercial A and Rural District to Business Commercial District A.
2. To amend the current zoning of 21-D-105 (33 Lowell Road) from Business Commercial A and Neighborhood Business District to Neighborhood Business District.
3. To amend the current zoning of the following parcels from Residence District A and Rural District to Rural District:

16-P-1030 (24 Fourth Street)	25-R-100 (31 Marblehead Road)
16-L-356 (10 Collins Brook Road)	25-R-103 (20 Osgood Street)
16-L-357 (8 Collins Brook Road)	25-R-602 (Fletcher Road)
21-U-1 (Lowell Road)	25-R-802 (Fletcher Road)
21-F-34 (175 Range Road)	25-R-811 (6 Fletcher Road)
21-F-33 (177 Range Road)	25-R-851 (3 Fletcher Road)
21-F-35 (173 Range Road)	21-B-29 (9 Porcupine Road)
21-B-26 (3 Porcupine Road)	
25-R-4 (7 Osgood Street)	
4. To amend the current zoning of 25-R-1300 (Marblehead Road) from Residence District C and Rural District to Rural District.
5. To amend the current zoning of 25-R-1100 (Marblehead Road) from Residence District A, Residence District C, and Rural District to Rural District.
6. To amend the current zoning of 25-R-810 (4 Fletcher Road) from Residence District A to Rural District.
7. To amend the current zoning of the following parcels from Residence District A and Residence District C to Residence District A:

25-R-1000 (71 Marblehead Road)	25-R-1001 (69 Marblehead Road)
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8. To amend the current zoning of the following parcels from Residence District A and Rural District to Residence District A:

16-D-12 (23 North Shore Road)	25-R-300 (39 Marblehead Road)
16-P-370 (47 Ministerial Road)	25-R-600 (53 Marblehead Road)
16-P-420 (43 Ministerial Road)	25-R-601 (55 Marblehead Road)
16-P-400 (33 Ministerial Road)	25-R-603 (59 Marblehead Road)
25-R-2 (3 Osgood Street)	25-R-800 (61 Marblehead Road)
25-R-3 (5 Osgood Street)	25-R-801 (63 Marblehead Road)

Vice-Chair Post read a summarization of Multi-Zoned Parcels.

Ms. Wood summarized her memo to the Board and explained that this year a sub-committee looked at cleaning up 50 additional multi-zoned parcels to make property resale easier, to eliminate need for variances, and to streamline administrative procedures. The only difference between the list from the Multi-zone workshop and the list from this hearing are three parcels the Board decided to rezone as Rural from Rural and Residential A.

Chairwoman Crisler noted that Attorney Campbell cannot comment on this type of zoning changes.

Vice-Chair Post drew attention to one parcel (25-R-810) which was not multi-zoned originally and was being rezoned from RDA to RD. Ms. Wood explained that after rezoning the surrounding multi-zones in the Fletcher Rd subdivision, this one lot stood out as being zoned differently and its zoning isolated it from the neighboring RD lots. The owner has been notified.

Chairwoman Crisler opened the Hearing to the public.

- Mr. Sharad Vidyarthi, property owner of 33 Lowell Rd, (21-D-105)), said that he noted there were a couple of lots in town that chose to remain multi-zoned. One multi-zoned lot was nearby his property on Cobbetts Pond Rd. He would like to hear the owner's reasons for choosing to remain multi-zoned and their objections to changing to a single zone. Ms. Wood said that the property owner expressed his preference to keep it multi-zoned and the lot was already developed with several businesses. Mr. Wrenn said it's his recollection that the lot was virtually fully developed and the owner did not want to create problems for himself by changing the zone to a single zone. Mr. Wrenn said it is not the Board's intent to go against the property owner's choice to keep their property multi-zoned.

Ms. St. Laurent arrived at 8:30pm.

- Ms. Nysten read the "uses allowed" in both the NBD and CDA Districts.
- Mr. Wrenn explained some of the differences between NBD and CDA and some of the complications a multi-zoned parcel can have
- Mr. Vidyarthi thanked the Board for their explanation and prefers to leave the zoning of his property as it is: multi-zoned - CDA & NBD.

Chairwoman Crisler closed the Hearing to the public and entertained a motion.

Mr. Wrenn motioned and Ms. Maloney seconded to move to Town Warrant as amended the Multi-zoned Parcel changes, with the exception of parcel (21-D-105) 33 Lowell Rd. Motion passed: 6-0.

The Board took a 5 minute recess, reassembling at 8:50pm and seating of Ms. St. Laurent.

Section 619 Workforce Housing Overlay District

Amend Section 619.6.6 to allow the applicant a maximum of thirty (30) calendar days in which to comply with the requirements listed in NH RSA 674:60 (III) and to emphasize that all procedures outlined in NH RSA 674:60 (III) regarding conditions and restrictions of approval will be followed. Amend Section 619.7.2.1 to increase the minimum acreage of a Workforce Housing project from 5 acres to 10 acres.

Vice-Chair Post read Section 619 Workforce Housing Overlay District into the record.

Chairwoman Crisler drew the Board's attention to Attorney Campbell's memo and Ms. Wood walked through Attorney Campbell's concerns. He suggested that the Planning Board add a waiver provision to allow the WFH applicant greater than 30 days from the "conditional approval" of the project to decide if the imposed conditions may affect the "economic viability" of the WFH project.

Board comments/questions included:

- Vice-Chair Post said that Attorney Campbell had advised the Board well. She understood him to be saying that the 30 day extension would be better placed in the site plan or subdivision regulations rather than as an ordinance which would make it a simple waiver process, rather than needing a variance from an ordinance. Chairwoman Crisler was not sure that was Attorney Campbell's meaning. Ms. Wood reminded the Board that the State Ordinance says that the time period may be no less than 30 days or another time period designated by the Planning Board. Also, a WFH subdivision approval is not usually done until the end of the project. The applicant may not be made aware of approval conditions until that end time; while the waiver provision requires the waiver to be requested and noticed prior to the final approval.
- The Board referenced RSA 674:60 and discussed various options.
- Vice-Chair Post underscored her preference to remove the extension request from the Ordinances and placing it in the site plan or subdivision regulations for simplicity. Ms. Webber agreed.
- Chairwoman Crisler recommended another workshop with Attorney Campbell on this issue.
- Ms. St. Laurent suggested increasing the time period to 60 days in hopes of spurring developers to complete their project. Also, removing this from the ordinance and placing it in site plan regulations might need a Town vote.
- Mr. Wrenn said that the effort should be to get the development approved sooner rather than later. A reasonable time period would be better and cleaner all in one place, rather than some in an ordinance and some in site plan regulations.
- Ms. Nysten asked Ms. Wood if the traditional time period on a site plan is 120 days. Ms. Wood said that a developer has 120 days to finalize a conditional approval on a site plan. Ms. Nysten asked if we could change it to 120 days. Chairwoman Crisler said she saw nothing wrong with a longer period.
- Ms. Wood explained the second concern on Attorney Campbell's memo which suggests changing the minimum acreage requirement from 5 to 10 acres. The State's requirement requests that the Town provide reasonable opportunity for WFH. Attorney Campbell's concern is that in increasing the minimum lot size to 10 acres from 5 acres, it would effectively restrict where WFH could be placed in the Town. Attorney Campbell suggests that the Town do an acreage analysis. The Board discussed the rationale of going from 5 to 10 acres and the history of the acreage decision. Chairwoman Crisler determined that another workshop is needed before recommending for Town Warrant.

Chairwoman Crisler opened the Hearing to the public.

- Manchester Attorney, John Cronin, has had land use matters experience and WFH experience in Windham and other towns. He disagrees with the timing issue and asked why the Board would give up their discretion. He agrees with Attorney Campbell's interpretation of the statute memo and suggests the Board should keep the 30 day minimum time requirement and deal on a case by case basis. Large scale projects are complex and vary to market changes and often need re-engineering needs. The Board should establish their minimum and use their discretion to waive on a case by case need.
- He is opposed to any minimum acreage requirement. The goal of the legislature is to make WFH available and affordable. Ten acre lots are very pricey and may not translate to affordable. Also, the Board should consider if they want to encourage large scale WFH projects. Smaller, integrated WFH projects are often desirable. This might be something they want to discourage. Identifying the available 10 acre lots may not be all that's needed. The Board may want to decide if, once the project is completed, will it be affordable.
- Ms. Scott reminded the Board that when they were considering the WFH applications, Attorney Campbell had suggested placing it in Rules of Procedure or in the Ordinance. The Board had

decided to place it in the Ordinance to keep it all in one place. Vice-Chair Post read from Attorney Campbell's memo where he suggested the possibility of placing the time period in the site plan or subdivision regulations. He did not suggest placing the time frame in the Rules of Procedure.

- Attorney Cronin read from paragraph 3 of Attorney Campbell's memo and underscored that the Board shall have discretion in setting the actual time period at the time of the applicant's "conditional approval."
- Chairwoman Crisler will work with staff to schedule a workshop for establishing Ordinance language.

Chairwoman Crisler closed the Hearing to the public.

Ms. Skinner motioned and Ms. Webber seconded to close the Public Hearing. Motion passed: 6-0.

Section 200 Definitions, Section 602 Rural District, Section 603 Residence Districts A, B, and C, Section 604 Neighborhood Business District and APPENDIX A-1

Under Section 200, delete existing "Dwelling: Multi-Family" definition and replace it with "A residential structure containing three or more attached dwelling units occupied exclusively for residential purposes, which requires Site Plan Review Approval. Multi-family dwellings do not include commercial accommodations for transient occupancy" and add new definition for "Dwelling – Duplex: A residential structure that contains 2 attached dwelling units located on a single lot. The dwelling units must share a common wall or common floor/ceiling, have a separate access to each dwelling and the units must be similar in size (sqft) with no more than 10% difference. This type of dwelling is not considered an Accessory Apartment, as regulated in Section 602.1.9"; Delete the language from Section 602.1.3 (Rural) and move the language to a new Section 604.1.11 (Neighborhood Business District); Delete Section 603.1.4; Add a new Section 603.3 stating "In Residence "B" and "C" Districts, one multifamily structure on a lot is permitted. There shall be a maximum of six (6) attached dwelling units per multifamily structure. A structure containing three or more attached dwelling units shall be subject to Site Plan Review"; Add a new Section 603.4 stating "In Residence "B" and "C" Districts, one duplex dwelling on a lot is permitted"; Amend Appendix A-1- Table of Requirements "Res.C District" to have the same standards as "Res B Multi-Family District"; and Delete "for multifamily dwellings containing two (2) dwelling units, 2,000 square feet per bedroom" from Note 5.1

Vice-Chair Post read Section 200 Definitions, Section 602 Rural District, Section 603 Residence Districts A, B, and C, Section 604 Neighborhood Business District and APPENDIX A-1 into the record.

Ms. Scott walked the Board through Attorney Campbell's recommendations in his 10/22/12 memo and an email from Tom Case.

Chairwoman Crisler asked what were the uses permitted in the various Districts and noted the confusing language surrounding that in the Ordinance. Ms. Scott acknowledged the confusing nature of the language and read from the Ordinance where most of the confusion exists, Section 603.1.4. This section is to be deleted and clearer language is to be included in two new Sections 603.3 and 603.4

Board comments/questions included:

- The Board reviewed Attorney Campbell's first comment which suggested leaving out the "comparable size" language from the definition of a duplex dwelling and add it to any section where the Board is proposing to allow duplexes. The Board agreed.
- Chairwoman Crisler briefly mentioned Attorney Campbell's second concern where he offers language for the new Section 603.4 and cautions the Board about developing an appropriate public hearing record for allowing one building with up to 6 units on a "lot" in both Residence B and Residence C Districts. This last point was also noted and disagreed with in an email memo from

Tom Case, Town resident. She asked if this is still the intent of the Board to allow one structure per lot in Res. B and C Districts. No response from the Board.

Chairwoman Crisler opened the Hearing to the public.

- Attorney John Cronin, commented about the limitation in Residence B to 1 building with 6 units. His objection was that there may be a large lot, 50 acres, for example, for which a traditional campus style apartment is appropriate. This was allowed under the previous Ordinance. If there is no other district in Town that allows that type of structure, then the Town is excluding a type of housing from the Town. He posed the possibility that someone like him could come into Town with an argument that because its not defined, not allowed, then it's not regulated and he could put it anywhere. Without sewer and water, the Board has top end limitations as to how big a complex can be developed anyway. Another major question to ask is what is the health, safety, and welfare concern which all planning and zoning is based on.
- Tom Case's email notes that his development, Lamplighter, would be non-conforming.
- Chairwoman Crisler said that she doesn't want to stop development like Lamplighter Village. She's in favor of allowing more than one structure on a lot in the multifamily districts.
- Ms. Nysten said that at the last hearing she wasn't sure if the existing zoning allowed more than one structure on a lot in the multifamily district. She is in favor of continuing to allow it. She also suggested that more than one duplex structure should also be allowed. Ms. Crisler said that would require a site plan review.
- Ms. Scott said that if the Board wants to allow more than one multifamily structure on a lot, 603.3 language would need to be changed. If the Board wants to allow more than one duplex on a lot, 603.4 language would need to change.
- Ms. Nysten said that she believes that language in Appendix A-1 also needs to be changed to reflect duplexes. Ms. Scott offered some suggested language.
- Chairwoman Crisler suggested an additional Public Hearing; Ms. Scott said that another Public Hearing would not be needed, however, she will work on new language and changes to the proposed Appendix-A-1, and she suggested that the Board temporarily close the public hearing to go over minutes while she works on language changes.

Vice-Chairman Post motioned and Ms. Webber seconded to table the Public Hearing.

Motion passed: 6-0

Meeting Minutes – Review and Approve

- September 18, 2012

Ms. Webber motioned and Vice-Chair Post seconded to approve as amended the Minutes of September 18, 2012. Motion passed: 6-0.

- September 19, 2012

Ms. Webber motioned and Vice-Chair Post seconded to approve as amended the Minutes of September 19, 2012. Motion passed: 4-0-2. Ms. Skinner and Mr. Wrenn abstained.

Ms. Crisler suggested taking the public hearing off the table in order to open it up again.

Ms. Webber motioned and Ms. Skinner seconded to take the Public Hearing off the table. Motion passed: 6-0.

Section 200 Definitions, Section 602 Rural District, Section 603 Residence Districts A, B, and C, Section 604 Neighborhood Business District and APPENDIX A-1

Ms. Scott was prepared to offer some new language on the Appendix A-1 and Proposed Definitions and said there would need to be another Public Hearing on these changes. These are the edits:

- The proposed definition of Multi-Family will remain the same.
- The proposed definition of Duplex – delete the following, “and the units must be similar in size square foot with no more that 10% difference.”
- Deleting Section 603.1.4.
- Adding Section 603.3 which states, “In Residence B and C Districts, multi-family structures are permitted.” The rest of the language stays the same.
- Adding Section 603.4 which states, “In Residence B and C Districts, one duplex dwelling on a lot is permitted. Multiple duplex structures on a lot are permitted and require site plan review.”
- Amend Note 4.1 to state, “In Residence B and C Districts, there shall be 40 ft minimum distance between duplex and multi-family dwellings on a lot.”
- Adding Note 5.2 to state, “For each additional duplex building on a lot, 30ft of frontage, 10ft of side yard, and 10ft of rear yard are required; as well as, 2000sqft/dwelling unit is required.”
- Under Proposed Residence C add the word “unit” after each of the words “dwelling.”

Ms. St. Laurent suggested the need to consider the language for Note 5.1 in the future.

Ms. Nysten asked if the word “structure” should be used instead of “building” in proposed note 5.2, the varied formatting and language for the Note sections and thinks it will be confusing on the Warrant. Chairwoman Crisler said the description not the chart would not be moving to the Warrant. Ms. Nysten said that the different items need to work together on the warrant. Ms. Scott said that eventually it will all work together once decisions have been made.

Ms. Webber was excused at 10:40pm.

Ms. Skinner motioned and Mr. Wrenn seconded to hold a second Public Hearing on November 14, 2012, on the amendments made tonight. Motion passed: 5-0

Financial Guarantees

**Terra Bella Subdivision – Final Road Acceptance and Financial Release
Burnham Road, Sta 0+00 to 24+00**

Ms. Scott said that Fire, Highway, Legal Counsel and the Town Engineer have all signed off on the Town accepting Burnham Road and releasing the financial guarantee. Ms. Scott suggested that the Board recommend to the Selectman to accept Burnham Road as a Town road and release the \$24,150 letter of credit.

Ms. Skinner motioned and Vice-Chair Post seconded to recommend to the Board of Selectman to accept Burnham Road as a Town road and the \$24,150 letter of credit be released. Motion passed: 5-0.

Governor Dinsmore Road Financial Guarantee Final Acceptance & Release.

Ms. Scott said legal counsel has reviewed the deed and there are no outstanding issues or concerns by KNA or the Town Highway Agent. Ms. Scott recommends that the Town accept this Road and release the cash guarantee, plus any interest.

Vice-Chair Post motioned and Ms. Skinner seconded to recommend to the Board of Selectman to accept Governor Dinsmore Road as outlined in the submitted deed and release \$2500 in cash, plus any accrued interest.

Old/New Business (Not to include discussion of pending applications or decisions on matters requiring public notice)

Adjournment

The Chairwoman entertained a motion to adjourn.

Ms. Nysten motioned and Mr. Wrenn seconded to adjourn the meeting at 10:45pm.

Motion passed: 5-0

These minutes were approved by the Planning Board are respectfully submitted by Cathy Pinette, Minute Taker.