

APPROVED
TOWN OF PELHAM PLANNING BOARD
MEETING MINUTES
December 20, 2021

Chairman Tim Doherty called the meeting to order at approximately 6:55 PM.

Ms. Masse-Quinn called the roll:

PRESENT ROLL CALL:

Tim Doherty – present
Roger Montbleau – present
Danielle Masse-Quinn – present
Cindy Kirkpatrick – present
Scott Sawtelle - present
Kevin Cote – present
Hal Lynde - present
James Bergeron – present
Jennifer Beauregard – present
Jennifer Castles - present

**ABSENT/
NOT PARTICIPATING:**

Bruce Bilapka
Paddy Culbert
Samuel Thomas

PLEDGE OF ALLEGIANCE

Mr. Doherty stated there was an applicant there for an alternate member, John Spottiswood. He introduced himself. Mr. Montbleau asked if he had any business dealings with anyone in the town. Mr. Spottiswood said that he did not. Mr. Montbleau mentioned that he resigned from the agricultural board to be on the planning board. Mr. Doherty asked Mr. Cote if that was an appointed position by the Selectman and Mr. Cote said yes, it was. Mr. Cote said that Mr. Spottiswood was a very good candidate on the agricultural commission and helped to form that commission and that he thought he would do very well on this board. Ms. Masse-Quinn said that he is also very active within the community and does a lot for the town. She said he would be a very good fit for this board.

MOTION: (Mr. Montbleau/Mr. Cote) To appoint Mr. John Spottiswood for a three-year term on the planning board as an alternate.

VOTE: (6-0-0) Mr. Doherty did not appoint Mr. Sawtelle to vote, so he appointed him in place of Mr. Culbert. The vote was changed to (7-0-0). The motion passed.

Mr. Doherty had Mr. Spottiswood take a seat and said that he couldn't vote tonight but could participate in the meeting. He will need to get sworn in at the town hall before he can officially vote.

PUBLIC HEARING

Mr. Doherty said under RSA 675:3-7, the Pelham planning board would hold its first and potentially only public hearing to discuss the proposed changes to the zoning amendments for the 2021 town meeting. The first public hearing shall take place tonight, December 20, 2021 at 7PM and the proposed amendments are described as follows: Pelham planning board draft zoning changed to add language throughout to show where workforce housing is permitted and allowed by means of conditional use permit. Changes are proposed in Article 2, Section 307-6, definitions. Article 3, Section 307-12 Table 1, table of dimensional requirements. Article 3, Section 307-74 -2, Pelham planning board draft zoning change to amend Article 12, special exceptions to allow attached accessory dwelling units to be allowed by means of a conditional use permit issued by the zoning administrator rather than by special exceptions obtained by the zoning board of adjustment. Mr. Doherty said there was a legal notice sent out and put on the town website. He said there were two questions associated with what he just read. One was, were they in favor to allow changes to the zoning ordinance, Article 2, Section 307-6, definitions, Article 3, Section 307-12 table 1, table of dimensional requirements and Article 3, Section 307-74 to clarify that workforce housing is permitted in all districts in which residential dwellings are permitted with the exception of the rural districts as consistent with RSA 674:59. The second question would be, are they in favor of the adoption of Amendment number, as proposed by the planning board for the town of Pelham, to amend zoning ordinance Article 12, Section 307-74, to allow attached accessory dwelling units to be allowed by a means of a conditional use permit issued by the zoning administrator, rather than by a special exception obtained by the zoning board of adjustment and to add language relevant to the criteria for obtaining a conditional use permit. This is followed by the full text available at the town hall or by the town website on the planning department page. Ms. Beauregard said as long as the board was comfortable with that language, she will amend the wording, if there were any changes. Mr. Doherty said that would be where a second hearing would come in. Mr. Doherty said that the proposed changes were noted in red color. He said that in the definitions section, they added the word 'affordable' as defined in RSA 674:58 I. He mentioned that RSAs are state guidelines that the planning board follows, and the town abides by in all of their decision making. He said the definition for affordable means housing with combined rental and utility costs or combined mortgage loan debt services, property taxes and required insurance do not exceed 30% of a household annual income. Ms. Beauregard and Ms. Masse-Quinn confirmed that is straight out of the RSA. The second change was to add the word 'area medium income' (AMI) defined as the medium income of the metropolitan area or county as set forth in either the HUD or non-metropolitan, fair market rent area to which the town of Pelham belongs, as is established and updated annually by the US department of housing and urban development. The third is to add 'multi-family dwellings' means a building or structure containing three or more dwelling units each designed for occupancy by an individual household. The fourth is 'multi-family workforce housing' defined by RSA 674:58 2, multi-family housing for the purposes of workforce housing developments means a building or structure containing five or more dwelling units, each designed for occupancy by an individual household. The fifth one is 'workforce housing' as defined by RSA 674:58 4, means housing which is intended for sale and which is affordable to a household with an income of no more than 100% of the median income for a four-person household for the metropolitan area or county in which the housing is located as published annually by the US department of housing and urban development. It also means rental housing which is affordable to a household with an income of no more than 60% of the median income for a three-person household for the metropolitan area or county in which the housing is located and published annually by the US department of housing and urban development. Housing developments that exclude minor children for more than 20% of the units or in which more than 50% of the dwelling units have fewer than two-bedrooms shall not constitute workforce housing for the purpose of this subdivision. Those were the new definitions that would help to bring us in line with the state requirements. Mr. Doherty opened the definition sections up to the public. No one spoke. Ms. Beauregard confirmed the definitions section can be voted on.

MOTION: (Mr. Cote/Ms. Masse-Quinn) To put the definitions proposed on the ballot.

VOTE: (7-0-0) The motion passed.

Mr. Doherty said the next section is Table 1 (Table of dimensional requirements). There was one line added for workforce housing developments. Mr. Doherty proposed that for these developments, the minimum lot size would be 435,600 s/f with three asterisks next to it. The frontage would be 200 feet, front building setbacks, side setbacks and rear setbacks would be 100 feet. Under the table has the word elderly crossed out and changed to workforce housing developments. Must have at least 130,000 s/f in business districts 1-5. Mr. Doherty thought to do that under two separate categories under Table 1, where it says workforce housing, either next to it or under it, to put residential district. What he just read would apply to this district only and another line would say business districts 1-5 and the minimum lot size would be 130,680 s/f with five asterisks next to it. With 200-feet of frontage, 40-feet front setbacks, 30 side and rear building setbacks. That is a mirror image to the multi-family dwellings in the 1-5 business districts now. He thought by breaking it out, it would be less confusing and separates the residential and business districts. The five asterisks in the business district 1-5 only, the proposal is that it should contain a minimum of 10,000 s/f per bedroom. The three asterisks above it says 435,600 s/f is the minimum total parent parcel size to start with. Workforce housing dwellings shall be single family or duplex dwellings and have separation of 30-feet minimum between buildings. He said that would be a substantive change to make it easier to read the table. He said it couldn't be acted on tonight, it would have to be at a second public hearing. He recommended they not vote on what was already on there. He recommended to take this section to the next public hearing. Mr. Cote agreed with that. Mr. Montbleau said he thought we were there. Ms. Masse-Quinn agreed with Mr. Montbleau and said that legal has already looked at it and it is clearer now for everyone. Ms. Beauregard said the table makes sense but asked if he was saying for the business districts 1-5, do they have to have at least three acres, but for the workforce housing shall contain a minimum of 10,000 s/f per bedroom, wouldn't that give them less acreage. She said what they had before for a multi-family was, they shall have an additional 10,000 s/f for each bedroom in an excess of 10. Mr. Doherty said you technically could lower the 130,680 s/f less and meet the minimum requirements of state standard of five units. Ms. Beauregard asked theoretically if they could be on less than three acres. Mr. Doherty said not if it got put on the ballot like that because it would still have to be 130,680 s/f. He said that if members of the board wanted to drop it down to 100,000 s/f and found a perfect lot in the business district, then they could do that in theory. Mr. Lynde asked about 307.13 saying every new workforce housing lot, which he assumed meant five affordable homes. He said it could take 217,800 contiguous s/f and said they had workforce housing development at twice that. Mr. Doherty said they are not on that yet. Mr. Bergeron asked if that was recommended by the planning director. Ms. Beauregard said no, she just wanted to make sure she understood it correctly. She said she agreed with the three acres. Everyone was fine with keeping it at 130,680 s/f. Mr. Doherty asked Ms. Beauregard to notify the public of a second public hearing for that issue (Table 1). She said yes, that would be January 3, 2022. Mr. Doherty said to look at 307-13, additional lot size and street access requirements. He said what was advertised for this was every new workforce housing lot in the residential district shall contain 217,800 contiguous s/f of non-wetland area. He said he looked at that and proposed the change on page 8. He added 'every new workforce housing parent lot in the residential district shall contain 217,800 contiguous s/f of non-wetlands'. He added 'and 218,000 s/f requirement' and the 217,800 in that section. He said that lets everyone know that it is a parent parcel and not an individual lot and it needs that s/f of contiguous land. The seven requirements for single- and two-family units to meet the additional lot requirements are also going to pertain to workforce housing. He thought by adding the word 'parent lot', would help to clarify and lessen the confusion. He said this change would have to go on the second public hearing, if the board decided to go with that. Mr. Cote said that he agreed with that change and Ms. Kirkpatrick also agreed. Mr. Bergeron said that language would help align with 674:59, where it says any town can have reasonable standards for approval related to environmental protection of water supply and sanitary disposal. Mr. Doherty simply wanted to clarify

what the board had already worked on. Mr. Doherty opened this section up to the public. No one spoke. Mr. Doherty asked if the board wanted to add this section onto the second public hearing. Mr. Cote asked about the actual hearing, legal notice and said that 307-13 was not there. Ms. Beauregard said she did not see that as part of the public hearing. Mr. Doherty said that there will be a second public hearing which that can be on and asked Ms. Beauregard to make sure that would go on the notice.

MOTION: (Mr. Cote/Mr. Montbleau) Add suggested language changes to 307-13 A, lot size requirements to the second public hearing.

VOTE: (7-0-0) The motion passed.

Mr. Doherty said the next section was Article 5, permitted uses, Section 307-18, Table 2. He said the board proposed that accessory dwelling units used to require a special exception from the ZBA. The board changed it to make it a conditional use permit with an asterisk to show CUP with a colon next to it. Meaning permitted by conditional use permit from the planning board under the authority of RSA 674:21, 2, innovative land use controls. In order to qualify as a workforce housing development, the applicant must present covenants and or other contractual guarantees that ensure the units are affordable as defined by the RSA 674:58, 4. He mentioned all the places that CUP was added into Table 2. Mr. Cote said that Article 5 is also not on the legal notice. Ms. Beauregard confirmed that as well and said it should be added to the next hearing to be safe. Mr. Cote said to make sure they are in totality and are in for the warrant article. Mr. Doherty said they will not vote on that tonight. Mr. Doherty opened it up to the public. No one spoke.

MOTION: (Mr. Cote/Mr. Montbleau) To put Article 5 on the second public hearing notice.

VOTE: (7-0-0) The motion passed.

Mr. Cote confirmed that Article 12 has been put on the legal notice. Mr. Doherty discussed that Article 12, was for special exceptions and now will be conditional use permits and special exceptions, if it gets voted in. Under 307-73, general requirements, reads as: proposed changes A, conditional use permits, unless otherwise specified, the planning board is hereby authorized to issue conditional use permits for an innovative design that would require waiver or modification of the lot and yard standards of zoning districts in which the proposal is located. The board may allow waiver or modifications subject to the following: 1. The proposal designed, or development is comparable with surrounding neighborhood/area. 2. District conformity with standards poses an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the ordinance. 3. Specific circumstances relative to the proposal or the condition of the land on and around which the project is proposed indicate that the waiver or modification will properly carry out the spirit and intent of the ordinance. 4. That the waivers or modifications requested are necessary to accomplish the purpose of this section. B (the word special exception is being added) and it says unless otherwise specified. It used to say the ZBA, it now says the zoning board of adjustment, shall permit a use by special exception subject to the following conditions (all the language there was unchanged). Under 307-74, additional requirements for accessory dwelling units. The general requirements are being deleted and are also deleting 'unless otherwise specified' and are adding 'accessory dwelling units shall be permitted by conditional use permit anywhere the use requested is listed as being permitted by conditional use permit in table 1 or elsewhere in this ordinance for the district in which the use is requested. No accessory dwelling unit may be constructed within or added to a single-family dwelling whether attached or detached without a conditional use permit without first being applied for and obtained from the Pelham planning board or its designee pursuant to RSA 674-21 and until a building permit thereafter has been applied for and obtained in compliance with the applicable provisions of Article 12 of the Pelham zoning ordinance. That is under 307-74. They added, after the words 'in accordance with NH RSA 674:71-73, they are adding in the words 'and NH RSA

674:59'. The paragraph already there read: The purpose of this ordinance is to expand the mix of affordable housing opportunities throughout the town by permitting the creation of secondary dwelling residences as an accessory use to existing single family detached dwellings while maintaining the visual and functional character of single-family residential neighborhoods. What they are proposing to add are these words: 'and to provide reasonable and realistic opportunities for the development of workforce housing for the following reasons', which are all still part of the original zoning that will be unchanged. This is governed by the RSA 674:59. Mr. Doherty noted to Ms. Beauregard that there needs to be a second quotation mark added. Accessory dwelling unit is the next section with a proposed change and that is to delete the words 'or attached' and change it to read 'attached, detached'. The next section to be added is 'every accessory dwelling residence that meets the rental housing criteria of RSA 674:58 or shall be deemed a residence of workforce housing for the purposes of satisfying the municipalities obligation under RSA 674:59.' Mr. Doherty noted the board has been working on these for a long time now and all of these additions are, so we are in compliance with the RSA's. He said letter F, they are adding the following words after single family residence: 'in the case of an attached ADU'. Under 'G', they deleted 'shall be' and it would now read: 'an accessory dwelling unit constructed within or attached to a single-family residence can be allowed by a conditional use permit approved by the zoning administrator'. Mr. Cote asked if they were crossing out words. Mr. Doherty said yes, they were deleting 'rather than by special exception' those changes were shown crossed out in black. Mr. Lynde said regarding purpose of intent on the second page, under 307-74, he is suggesting putting a lowercase t there, as to not to confuse people. Ms. Beauregard said that it can be fixed. Mr. Cote corrected it is right after NH RSA 674:59. Mr. Cote said that for 307-73, they cannot take action on that tonight and it has to be put onto the second hearing. He said they can act on 307-74. Ms. Beauregard disagreed and said they called out the entire Article 12 special exceptions, so it is all encompassed. The board also agreed with that, and they will ensure it will be written on the ballot correctly. The board agreed to add (307-73) to the second public hearing after further discussion. Mr. Doherty opened up both sections of Article 12 to the public. No one spoke. He said 307-73 will be on the next public hearing.

MOTION: (Mr. Cote/Ms. Masse-Quinn) To put 307-74 on the ballot the way it is.

VOTE: (7-0-0) The motion passed.

Mr. Doherty asked Ms. Beauregard to send that to Selectman Cote to check that before it goes out for public notice. She said yes.

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Ms. Masse-Quinn had one change on line 489, to change the word 'matter' to 'master'. Mr. Lynde mentioned on line 163, he said it said 'heavy' and didn't know what that meant. Mr. Cote said Mr. Maynard probably meant the land was more towards that side. No changes would be made. Mr. Lynde said on line 191, he asked what the word 'clear' meant. Mr. Cote said that meant it checked out. No changes would be made.

MOTION: (Mr. Montbleau/Mr. Cote) To approve the December 6, 2021, meeting minutes as amended.

VOTE: (6-0-1) The motion carried.
Ms. Kirkpatrick abstained.

Case #PL2021-00034**ALBERTSON, Dolores, Map 15 Lot 9-38 – 15 Kens Way**

Ms. Masse-Quinn read the abutters. Mr. Montbleau wanted to make everyone aware of something that had come to his attention. He asked Ms. Beauregard to pull the file on this application and he said there is more research that needs to be done. The subdivision that was done back in 2003, he said there were agreements made regarding not further subdividing this parcel. He said he would not feel comfortable acting on this tonight. He read a portion of the minutes back from February 6, 2003, which said, Mr. Danavich noted that the board of adjustments granted a legal lot and he was also concerned with further development. He said one of the major discussion points brought forward by Mr. St. Onge, who owned the property then, that there were issues with the private right of way. Ms. Cathy Mason noted there would be no further subdivision requests. Mr. St. Onge said he would not be coming forward with any further sub-division requests. He read about concerns with the fire department and that private road. Mr. Montbleau also said that he received this information late and needs to research this further. Ms. Beauregard said Mr. Montbleau had recalled an agreement back then that there would be no further subdivisions, regarding lot 15 9-40. She did not know if that affected this lot and would need to do more research. Mr. Bergeron said he had acted on this case on the board of adjustment and there were concerns of the right of ways and said they should proceed with caution. He also mentioned that the piece of property tonight was not part of the St. Onge property. Ms. Beauregard did not know if that was the same property either. Mr. Cote agreed with looking into it more regarding if conditions were set on this property. Mr. Montbleau asked if the road was paved. Mr. Dubay said the road is partially paved. Mr. Carl Dubay introduced himself from the Dubay Group and Bill LeTendre with M&B Investments, LLC. Mr. Dubay mentioned the landowner is in the audience. Mr. Dubay said they are confident if they showed the subdivision work and titles to the board and the town Attorney, that it would be clear. He said that the Albertsons were always on the front lots and the lots in the back were subdivided and they are not there tonight to discuss those back lots. He said they would be happy to work with everyone on this. Mr. Bergeron said that what Mr. Dubay said was accurate and that is how this board should be looking at it. Mr. Dubay said the proposed plan is to take one lot with a road easement going through it and splitting it into three lots. One lot would keep the existing house and they would continue the existing road and improve it as well. The two lots on the right side are one acre each and meet all of the dimensional requirements needed. Test pits and surveys have already been completed on the two new lots. Mr. LeTendre said he met with the ZBA, and they suggested meeting with the abutters to discuss how the private road is maintained. He sent letters out to all of the people that live on Kens Way and met with some of them and talked about the concerns for the road and decided they would make an agreement. He also went to the fire department and met with Mr. Hodge to show him the plans. He said that Mr. Hodge did not see any concerns with the plans. He also went to the DPW but was unable to meet with anyone. He talked to someone over the phone, and she said to go to the planning board first and they would meet with them afterwards. He also went to the police department but wasn't able to meet with the Chief. He had his Attorney draw up a draft agreement and had it with him at the meeting and offered to show it to the board. Ms. Masse-Quinn said the acreage showed 4.607 and they are allocating 2.5 to the existing house, but then on 9-38-3 lot, it showed 1.050. She said that lot 9-38-4 should be 1.057 and not 1.036. Mr. Dubay said he would check that, and he said that the existing parcel would be 2.521 and that includes the road and existing parcel. Ms. Masse-Quinn asked about it being in a 100-year flood but didn't find any evidence of wetlands. Mr. Dubay said there are no wetlands, and the 100-year flood is on the far left of the sheet with an elevation of 136. He said the wetland is off of the property. Mr. Doherty asked if the applicant currently owns the property with the private drive off of Hobbs Road. Mr. Dubay said yes. Mr. Doherty asked how many families or dwelling units total live beyond this property. Mr. Dubay said the tax maps show four lots. Mr. Doherty asked if it was one parcel at one point. Mr. Dubay said he has copies of the subdivision plans over the years from those back lots. He said there were multiple lots with multiple driveway configurations and easements, but they are not proposing anything back there at all. He said there are turnaround easements that benefit the town and are all recorded in deeds and such. He said they would not be offering to maintain anything back there, only in the front on

their property. Mr. Doherty asked if the end of Kens Way was owned by the Town of Pelham. Mr. Dubay said yes and there is a gravel drive that extends to the Town of Pelham. Mr. Dubay said he would welcome the town's attorney to review everything. Mr. Bergeron said the parent parcel that was subdivided over time and would ask how the town is accessing their land. Also, his other question would be what is the disposition of the right of way as far as the road itself being a private way. Ms. Masse-Quinn asked how many acres were in the back and what kind of houses are back there. Mr. Dubay said there are homes and abutters in the audience if they want to speak on that and there is also a mixture of wetlands. He thought there were mostly single-family homes back there, but they did not want to overextend on someone else's property and all of that is public record. Mr. Bergeron said that everything they are dealing with is the lot that is in the front and the parent parcel could be squared away on the right of way. He said he thought it could be something this board can deal with. Mr. Bergeron asked if they excluded the 50 foot right of way from lot 9-38 now, would they meet all the requirements for acreage. Mr. Dubay said yes, they did.

MOTION: (Mr. Cote/Ms. Kirkpatrick) To accept this plan for consideration.

VOTE: (6-0-1) The motion passed.
Mr. Montbleau abstained.

Mr. Doherty opened it up to the public. Mr. Bob Pace, 31 Kens Way introduced himself. He handed out some photos to members of the board. He said he is not either for or against this plan but wants the board to make the right decision. He said this is referred to as a road, however it is really just a driveway and a right of way, which was what it was deeded as. When he built his home in the back, he got an easement from Ms. Albertson and he said that she said as long as there was only one house built back there it would be okay, as she did not want additional traffic. As time went on, the town granted three more house lots back there. He said now there are actually six houses off this common driveway and there are about 15 people with 14 cars driving in and out of there each day. He described in photo number 1, shows leaving Kens Way towards Rt. 38 and there is poor visibility leaving the road. Photo number 2 is the approach to Kens Way from Hobbs Road and that isn't good either. Photo number 3 is leaving Kens Way going towards Windham Road and there is limited view. Photo number 4 and 5 are leaving the property going up the hill and the road is only 11 foot 6 and he built that entire road and installed the utilities. Photo 6 is where the two house lots are being proposed. Photos 7 and 8 show damage on the existing road where they plan on building. His opinion is how can they constitute a subdivision on a common drive. He said it had to be called Kens Way because the driveway was a half of a mile long and he had to do that so the fire department could find his house. He said if they grant these two lots then they would need a cistern back there and there should be a physical turn around at that point. Mr. Doherty asked when you are leaving that piece of land, are you on the town's land. Mr. Pace said when you are coming in off of Hobbs Road and you get down to their lots on the right, the town land starts on the left after the second lot. He said that part of the town's land is mostly wetlands and isn't usable. He said it would shed a lot of water down towards the Golden Brook area. Mr. Dubay said the town land abuts Kens Way along the frontage to the left and the property line kicks over. He also said this started back in the 1980's and it was a 16.5 foot wide right of way. It ended up as a private road and he showed on sheet 4, note 9 that Kens Way was a private road under administrative decision number 2138 dated April 1998 by the Town of Pelham. He said it shows up everywhere and is recognized as a private road. He said there was supposed to be a turn around in front of Mr. Pace's house from a recorded plan in 1996. He said he did not think that was ever done. He also said the owner knew that there were two nice, dry lots there and he can show where the turn around should be. He said there is a title chain that he can provide to the board and to the attorney. He said they are committed to make improvements to the private drive along their frontage along Kens Way with pavement, transition and drainage. They would mitigate their own draining on their own property. Mr. Pace said originally the turnaround was in place when his house was built and approved by the fire department. He said once others built back there, they relocated the turnaround back

by the house at the end. They also put a cistern down there at the end of the four houses, because it didn't make sense for it to be in the middle of the project. Mr. Doherty asked if Mr. Pace had any input as to what Mr. Montbleau mentioned earlier about no further development. Mr. Pace confirmed that the piece they are talking about tonight was always owned by the Albertson's. He said he has a 16 foot right of way to his father-in-law's property that was 9-41 back there. He said the Albertson's had given his father-in-law, Henry St. Onge an easement, 16 foot right of way to his property in the back. He said when he had built his house, he asked Ms. Albertson for permission and if she would grant him a right of way and she, as a 50 foot right of way. Mr. Montbleau still needs to do more research as far as what was stated in the past about no further development back there. Mr. Pace said his father-in-law went on to develop a few more lots back there over time. Mr. Dubay said on plan number 32418, signed in 2003, showing further subdivision of the lot series 9-40-1-2-3 with a deeded 50-foot-wide easement for driveways. Mr. Montbleau asked if Mr. St. Onge was putting in three lots for his three daughters and Mr. Pace said that was correct. He said the Albertson's own all the land in the front and gave them an easement with a right of way to get to their houses in the back. Mr. Pace said there are two, two-family homes back there right now. Mr. Montbleau said he sees that Kens Way ends after the second proposed lot. Mr. Pace said that is correct and it ends at his house, and it is really a common driveway. He says the pavement ends at his sister in law's house, which is a half a mile off of Hobbs Road. Mr. Dubay said they would widen the pavement. Mr. LeTendre said it turns into patio pavers back there. Mr. Pace said there are 6 houses in total now. Mr. Montbleau asked what his plans were for this driveway. Mr. Dubay said they would like to widen it and in front of the two proposed lots to pave it to full depth, 20 feet wide with shoulders, which are town standards. Mr. Pace said the road now is 11 foot 6 all the way up to the Albertson's property where they start widening it out and that is approximately 18 feet out to Hobbs Road. Mr. Dubay said they would propose to continue at least 20 feet wide to help the people out back. They are also proposing a driveway lease maintenance agreement with the three lots they have. He can't speak for the people in the back. Mr. Montbleau asked who would maintain the road. Mr. Dubay said they are proposing that they would make the improvements and maintain their portion of the road. He also said they won't maintain the people in the back. Mr. Montbleau asked what they do now. Mr. Pace said he currently maintains the road now but going forward he is going to hire someone to plow. Mr. Dubay said they would do their part along their frontage, and they would maintain it as well. Mr. LeTendre said when he met with the owners they talked about an agreement where everyone would pay their fair share. Mr. Doherty closed it to the public. Mr. Doherty asked if the board wanted to send this first to legal counsel. Ms. Masse-Quinn agreed with that and regarding the decision in April of 1998 and asked someone to check that because it says it is still under administrative decision. She asked if a resident could ask to make a road private or does the town make it private. Ms. Beauregard said a road becomes private if it does not meet the town standards and she said the more houses that get put on a private road there becomes a need for it to be brought up to town standards. Mr. Dubay said he can provide a document package with their research to the board and their attorney. Ms. Masse-Quinn said it looks like they are intending to create a homeowner's association within Kens Way. Mr. LeTendre said the abutters have not seen the documents yet. Ms. Beauregard asked if they wanted to get legal straightened out first or should they get them scheduled to have Mr. Keach and highway safety review it first. Mr. Doherty said that Mr. Keach may have some good wisdom regarding this plan. Mr. LeTendre said there is space at the end of the property for a snow push off at the end of this second lot. Mr. Dubay said they can start with highway safety and Mr. Keach. Mr. Bergeron said he thought they are making this more complex than it needs to be. He said that 938, the parent lot belongs to the Albertsons, and this is a 2-lot subdivision within that land. That is a minor subdivision, and he doesn't even think that needs peer review. His question is between 938-2 and 938-1, is there a real 50-foot deeded easement there. Mr. Dubay said he believed so and in certain sections it is wider. Mr. Bergeron said as long as there is an HOA within these first four homeowners that takes care of them and what the people in the back do on the 940 parcel, can do what they want. He said those lots in the back are an existing situation and isn't the purvey of this board tonight to discuss them. He also asked about the frontage on the second lot, he said it is coming out at 198.7 and is that true. Mr. Dubay said they got a variance for that shortage. He

said they got a variance for that and to build on a private road, so he is asking what the issue is. Mr. Cote said it seemed basic to him because this is the Albertson's property to subdivide what is already theirs. He said if the driveway wasn't built for Mr. Pace in the back, this wouldn't be a problem. He said the Albertson's want to put two houses on their property and said what happens after that Mr. Pace was going to have to maintain anyway, which he has been the whole time. Mr. Cote asked if where the subdivision is going, are they going to update the road up to town standards. Mr. Dubay said yes, as much as they can, but to keep it private. He said they would also rebuild the back section of the road to match the front. Mr. Cote said the rear section has nothing to do with what they are looking at tonight. Mr. Dubay said the Albertsons just want to develop their land but are now facing opposition from people on the back lots. Mr. Cote said it sounds like a very simple, minor subdivision with two houses on it and a shared driveway. Mr. Doherty asked if he was suggesting to not send this to Mr. Keach, but also noted the two lots are raised in elevation above the other properties and there would be water shedding off of them onto abutting properties. Mr. Cote said he had no problem sending it to Mr. Keach. Mr. Doherty said it is not a simple subdivision because when a piece of land continually gets divided it is no longer one lot. Mr. Cote reiterated that we're talking about 938 being divided into three lots. Mr. Doherty said that land used to be one big piece. Mr. Bergeron said no it was not. Mr. Cote said the St. Onge owned one piece and the Albertson's owned one piece. Ms. Beauregard confirmed that the Albertson's subdivided two lots off of the front. The back lots were owned by Mr. St. Onge. Mr. Cote said we're only talking about 938 here and it is simple because they are the original owners and can do what they want and the owners in the back still have to maintain their lots regardless. Mr. Doherty asked the board if they want to send it out first or are they okay with making a decision. Mr. Bergeron said the peer review is only needed for these two lots. Mr. Doherty said they can't do engineering on land behind it. Mr. Bergeron said the only issue he saw is that this land crosses town land and how did that happen historically. Mr. Lynde said there needs to be a piece of paper saying they promise to do something and said we need to untangle this thing to find out how it got to this. He recommended to find the answer and then proceed. Mr. Doherty asked Ms. Beauregard to take care of notifying Mr. Keach and the highway safety and our Attorney. She said yes. Mr. Cote said if the applicant is willing to do that then to let them. Mr. Dubay said they are already there. Mr. Doherty asked if anyone is opposed to that. Mr. Bergeron said it's not fair to put anything legal on the incumbents beyond the boundaries of their property. He said he'd like to see a homeowner's association up front for the three lots. Ms. Beauregard said that Mr. Keach would only be able to review his current plan. Mr. Doherty asked if they want to date specify something. Mr. Dubay said January 10th would be appropriate. Ms. Beauregard said the next planning board after January 3 would be the 20th, a Thursday. Mr. Dubay agreed with that date.

Case PL2021-00035 – Map 18 Lot 12-16 – MAKO Development, LLC – Beechwood Road Ext. Salem NH

Mr. Shayne Gendron with Herbert Associates introduced himself representing Mako Development. He introduced Attorney Panciocco representing Mako Development. Shayne said this property borders Salem NH and Methuen MA and there is no access into the property from the town of Pelham. This property can be accessed off of Beechwood Road, which is off of Silver Brook Road in Salem, NH. Shayne said this is a 20-acre parcel and they are proposing to subdivide it into 15 single-family lots, about 1-2 acres in size. Each lot would have its own well and septic. He said Beechwood Road also has public water and sewer on it as well and he's not sure if they could access that. He is proposing to come in off of Beechwood Road and then there would be a four-way intersection, leaving a right of way into lot 12-15 and also in 12-14-1 for future development. They are proposing a 24-foot-wide roadway with closed drainage and curbs. They've done test pits and they came back good. They are proposing a cistern but may be doing sprinklers in the homes as well or may be bringing water up with a hydrant depending on the water availability from the town of Salem. He has preliminary roadway layouts and there are no steep slopes. He said the land is good, not a lot of wetlands and that has been mapped out by Gove Environmental Services. Ms. Masse-Quinn let the board know that this is only a conceptual discussion

and there is no abutter's list. Ms. Beauregard let the board know that all discussion occurring during the preliminary conceptual consultant phase shall be directed at and limited to a review of basic concepts related to the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by the planning board members shall not be the basis for disqualifying said members or invalidating any action taken. The board and the applicant may discuss proposals in conceptual form only and in general terms such as the desirability of types of developments and proposals under the master plan. Preliminary conceptual consultations may occur without the necessity of given formal public notice pursuant to RSA 676:4 1D, however such consultation may occur only at formal regular meetings of the board. With that said all discussions must be limited to basic concepts and suggestions only. Mr. Doherty is concerned with the highway safety having that letter about the town of Salem being the first responders. He asked if Salem will be first responders. Ms. Beauregard said they do have the variance and the zoning board put a stipulation that they work with the planning board to meet the criteria (1&2) from the highway safety letter. She said they were leaving that up to the planning board to sort that out. Mr. Doherty asked how we could sort out the fact that Salem doesn't want to be the first responders if Pelham can't get there. Ms. Beauregard said the applicants have been working with Salem and Pelham to come up with an agreement, which she hasn't heard of one yet. Mr. Montbleau said it seemed to him that if the Pelham fire department agreed to be the first responder and asked what the timeframe is. Ms. Beauregard said she believed it was 8 minutes and she said the chief was concerned that he couldn't meet that time. Mr. Doherty asked how they would be getting there. Mr. Montbleau said Salem said their timeline was 9 minutes. Mr. Montbleau said our department should be the first responders. Ms. Beauregard said the chief was concerned about the timeline because there was no access through Pelham to get there, unless he could get an easement. Attorney Panciocco said that in the highway safety committee minutes it said Salem Fire Department confirmed they would be the first responders for fire, ambulance calls, rather than relying on mutual aid, that was dated November 21, 2019. She said when they went to the zoning board, they had a copy of that, and they suggested that would need to be resolved with the planning board. She said the two chiefs tried to come to a resolution before coming to the planning board. She said they obtained a fire engineer, who met with both chiefs. However, she said Salem was feeling overwhelmed with the new Tuscan village and then there was a changeover of chiefs as well. She said the new chief wasn't involved with an earlier letter saying Salem would be the first responder. After looking at the regulations and mutual aid agreements, a Jeff Murphy met with both the chiefs. They agreed as long as sprinklers were put into each home, and they stay in touch with each other, and they would rely on mutual aid. They both felt that was adequate to cover the response times. Mr. Montbleau said the key is that the houses would be sprinklered and that gives more time for response without catastrophe. Ms. Kirkpatrick mentioned that sprinklers only help with fire and there are other emergencies than just fire that need an urgent response. Attorney Panciocco said response times are fairly comparable and when they submit their application, they plan to bring Jeff in to answer any questions the board may have. Ms. Kirkpatrick asked if the Salem board of selectmen had to be involved and agree to this as originally discussed. Attorney Panciocco said they would have to if Salem did agree to be first responders, but they did not. She said there was miscommunication between the old fire chief and new fire chief in Salem. She said Jeff sorted that out with both chiefs and they reached a consensus. Ms. Kirkpatrick asked if it had been confirmed that it doesn't have to go up to the board of selectmen. Attorney Panciocco said that is correct, that the chiefs call their own shots. Mr. Montbleau said there are two stubs to go to other parcels and Mr. Gendron said yes. Mr. Montbleau said once that is developed then it could spur the next parcels to be developed at some time. Attorney Panciocco said correct. Mr. Cote said that couldn't happen because that stub leads into a swamp that is undevelopable. Mr. Doherty asked how they are dealing with the school department as far as busing. Attorney Panciocco said the road is proposed to be private and there will be no school transportation provided. Mr. Cote said he could not imagine buying a house in this neighborhood and finding out there is no bus to take the children to school. Mr. Doherty asked if this proposal had been in front of the selectmen yet. Mr. Cote said no. Attorney Panciocco said they can still attend school, but there won't be a bus to pick them up or

drop them off. Mr. Doherty asked if there was an RSA to build on a private road to have to go in front of the selectmen. Attorney Panciocco said that is not in a RSA, however there will be a homeowner's association that will be set up. Ms. Beauregard said there is a RSA to build on a private road and they have to enter into an agreement with limited liability with the town. Attorney Panciocco said it would be put in the deeds, but is not a RSA and said they don't have to go in front of the selectmen. Attorney Panciocco said it's a private road that is maintained and owned and plowed by the residents like in a condo association. Ms. Beauregard would have to double check about the private road. Ms. Kirkpatrick asked about the letter from the NRPC, as they mentioned something about the presence of a railroad bed and a cellar hole that may be historical. She asked what the plan was for that. Mr. Gendron said on the plans it shows an old trolley line that runs from the south up along the southern southwestern border. Ms. Kirkpatrick said it was on sheet 5, 12-16-12 and it came in the letter and was curious if there was any research being done. Mr. Gendron said he wasn't familiar with it and didn't know if there was any historic significance to it and said it was old farmland. He said they saw an old foundation and some abandoned vehicles out there, but he said they would look into it with the heritage bureau in Concord. Mr. Cote mentioned about the people buying these homes and being railroaded into the HOA and all the rules that go along with them. He said as a selectman it is his duty to protect residents and future residents, so he is trying to balance that. He thinks this development is proposing a lot of things that may be tricky. Mr. Gendron said it is comparable to any condo development that they've done, such as Landmark estates and Long Pond Woods and they all have condo associations and private roads. He said all of the documents will be provided upfront to all the buyers and they will be informed as to what their responsibilities and liabilities are and will be notified of any covenants if there are any. Mr. Montbleau said there is usually a board of directors with an association, and they can guide all the other members along. Attorney Panciocco said the town attorney will review all of the documents as well. Mr. Doherty said he is still stuck on the part of where it says it is up to the planning board to resolve the discrepancy of the Pelham and Salem Fire departments responsibilities. He does not feel that this is the job of this board. Mr. Bergeron said it was because the board of adjustment didn't know how to handle it. He is concerned that there is no school transportation and asked them if they've talked to the school board. Attorney Panciocco said they have not. Mr. Bergeron said they need to do that and said there are conflicting statements from Salem and Pelham fire departments. He also said they stated they wanted to put in wells and septics, but there is town water within a few feet, and they haven't talked to the town of Salem about that. He asked them to site multiple situations that exist in NH like this that are accessed through another town and how that is legally handled. Mr. Gendron asked if he needed to go in front of the school board. Mr. Bergeron said yes. Mr. Gendron asked if they would pay Pelham taxes. Mr. Bergeron said yes and asked him to design a road in Pelham to get to this land. He said as a planning board they need to provide town services to these houses. Mr. Gendron said if these folks are paying taxes to the town, their kids can go to school there, but we just wouldn't provide transportation for them. Mr. Bergeron said he will find the statute, site it and hold it until he gets the answers he is looking for. Mr. Gendron said this is only a discussion. Mr. Bergeron does not want to put this board in jeopardy. He asked if they've talked to Salem about the water supply. Mr. Gendron said Salem has a limited amount of capacity with their water system, and they don't have to agree to grant this division water. Mr. Bergeron said to find a road into Pelham, and we would take care of that. Mr. Doherty said on the locus map he saw that they aren't showing how to get back into Pelham from Salem without going into Massachusetts. He asked what way is there to get there. Mr. Cote said you had to go to the Campbell golf course to get there. Mr. Gendron said it would be like how Spring Street used to be accessed. Mr. Gendron said you can get there from Methuen or Brady Avenue in Salem. Mr. Cote said Brady Avenue comes out to Route 38 and that is not a good intersection. Mr. Doherty asked what the legality is for our police going into Massachusetts to get into this development. Mr. Cote said the fastest way would be to get there from Brady Avenue. Mr. Doherty mentioned it's not only the fire department, but also the police department traveling fast and asked what is the best route. Mr. Gendron said they have a traffic engineer working on this as well. Mr. Bergeron said that is only 25% of it and he felt that the proposal was premature. He said the applicant needs to get solid replies from the fire, school board and the police before they even ask the selectmen.

Mr. Gendron said there would be no issue with plowing and maintaining a private road. Mr. Doherty asked Ms. Beauregard to find out from legal counsel if the planning board had to in fact deal with the recommendation from the zoning board to find out about the police and fire departments. Ms. Beauregard said she would run it by legal but didn't feel like this board had to deal with that. Ms. Beauregard said she was at that meeting and she thought they understood that they could not imply these conditions onto the planning board. Mr. Doherty said the zoning board ignored part number 3, which he felt was the most significant part of it. Mr. Cote had the letters from the fire departments from 2019 and he asked if they had the agreements in writing between the two fire departments. Attorney Panciocco said no, they did not put that in writing. They were relying upon mutual aid and that they would put sprinklers in. They both agreed the timing to get there was pretty much the same. Mr. Cote asked if she had anything from the police departments. Attorney Panciocco said no, but they attended the highway safety meeting. Mr. Cote said that usually the police department go along with the fire when there is an incident. Mr. Cote asked if they would be in route with each other during an incident. Attorney Panciocco said she didn't know. Mr. Cote said that would need to be sorted out. Attorney Panciocco said when an application comes in, she asked if they request information from all the departments. Ms. Beauregard said yes, they do, and they would send them to the highway safety committee. Mr. Gendron asked if they should go to highway safety before coming back in. Ms. Beauregard said that's up to the board. Mr. Cote said no one has mentioned the Salem police department. Ms. Beauregard said our highway safety consists of the police, fire, highway and planning departments. Mr. Cote said what is important is a collaboration between both fire and police from both towns. Ms. Masse-Quinn said what they have is from 2019, so she would like to see something updated from both fire and police departments from both towns. Mr. Cote said their variance is running out in March 2022 and what is their goal. Mr. Gendron said he will get an application into this board and with COVID there were some delays. He said they have engineers working on these issues and they are gaining headway. He said they can go back to fire and the school board. Mr. Montbleau asked if this was the only development that had this issue. Ms. Beauregard said there was one, which was Clement Drive that came in from Dracut. She believed those kids went to Pelham schools and thought they had some trouble receiving mail and didn't think the school buses went there. Mr. Montbleau said he remembered other developments such as this and said things all got worked out. He asked Mr. Bergeron why he thought they had to go to the school board. Mr. Bergeron said they are not going to fulfill their obligations to these taxpayers to take their kids to school on buses. Mr. Montbleau said many children are driven to bus stops by parents. Mr. Bergeron said those are all homes in Pelham and have access to roads in Pelham. He also said this board will have to take responsibility for that because if this raises taxes disproportionately from other subdivisions, then this board has to consider that. Mr. Montbleau said some people have to carpool and bring their kids to a bus stop and maybe this subdivision can do something like that. Mr. Lynde thought either the planning board or the developer should send a letter to all the interested parties and explain the situation and ask them how they see themselves handling it. Ask them what they see for problems and what they see are their obligations. We will then see what the impact is on the town from that. Mr. Gendron said they will work on getting the information.

Case PL2021-00036 – Maps 7 & 8 Lots 9-94, 9-95, 9-96-1 & 9-135-3 Mendes, David

Mr. Dave Mendes introduced himself as the builder of the proposed subdivision. Mr. Shayne Gendron introduced himself representing David Mendes on the application. The proposal is on a total of 40 acres and 4 lots that they are looking to combine. Three lots have existing homes, and they would like to do a subdivision of those four lots to create 15 new buildable lots in total. This has access off of Hayden Road in Pelham. There would be a 24-foot-wide curbed roadway with closed drainage. There would be about 1400 feet of roadway, with a cul-de-sac. All the lots would have private septic and town water serviced by Pennichuck and will also have fire hydrants. Mr. Doherty asked what are those dark, black lines on sheet 1. Mr. Gendron said they are SCS soil types and wasn't sure why they were on there actually. He mentioned this is still a draft format. Mr. Gendron said it will come off of Hayden Road and go 1400 feet to a cul-de-sac. Mr. Doherty asked if 9-94-13 is part of this development. Mr. Gendron said yes, and it

will have frontage on Hayden Road, as will 9-94 and that is the lot that will house the existing farmhouse. He said there are two other houses there (two-family homes) on lots 9-95 and 9-96-1. There were some extra land on those lots and they were able to create some lots from those and extend the cul-de-sac into that area and get some additional lots. Mr. Doherty asked what is at the end of the cul-de-sac. Was it 9-96-2 on both sides of the cul-de-sac and Mr. Gendron said yes. Mr. Doherty asked if 9-96-1 would have its frontage on Hayden. Mr. Gendron said the frontage would remain on Hayden, as that's a duplex. Mr. Bergeron asked if that is the right of way, they left years ago for an access point. Mr. Gendron said yes. Mr. Cote asked if any site work has been done to the property. Mr. Mendes said there's been a small amount done and he has owned all that land for many years while he was building other homes on the other side of the road. Mr. Bergeron said that was left there years ago for this purpose. Mr. Montbleau asked about the access road and is he leaving the farmhouse. Mr. Mendes said the farmhouse is beyond this subdivision and yes that is staying. Mr. Montbleau asked if he is beyond the stone wall by the wooded area. Mr. Gendron said they are leaving 9 acres with the farmhouse. Mr. Mendes said this is all in the wooded area. Mr. Bergeron asked if Mia Circle is already approved. Mr. Gendron said it is only proposed. Mr. Mendes said they would have to go in front of the committee for the road name approval. Mr. Doherty asked about sheet 4, 9-94-1 and is there a house there. Mr. Mendes said there is no house there yet. Mr. Lynde asked why they can't put a full road there instead of a cul-de-sac. Mr. Doherty said the cul-de-sac ends at 9-97 which they don't own. Mr. Mendes confirmed he doesn't own that piece. Ms. Kirkpatrick asked if lots 95 and 96 have existing homes. Mr. Gendron said yes. Ms. Beauregard said a cul-de-sac is allowed up to 2,400-foot roads and this is only 1,400-foot road. Mr. Doherty said most of the lots are shaped decently except for 94-10. Mr. Bergeron said that lot has quite a bit of frontage and had no choice there, as they have to consider the parent lot shape. Mr. Bergeron asked if the dark line with a right angle on lot 9-94-10 is another properties line. Mr. Mendes said yes. Mr. Cote asked if there were any snowmobile trails that go through there. Mr. Mendes said snowmobiles were never allowed there by the existing property owner or by himself. He said there are walls that separate the fields and they are constantly trying to rebuild them. He said there was once 100 acres there and there were signs always posted that said no trespassing and no snowmobiling. Mr. Bergeron asked if that lot they mentioned would need a waiver for a 50-foot width on 9-94-10. Mr. Gendron said at the narrowest point towards the roadway, they have about 90 feet. He said they might be able to add that into 9-94-11 to make that work better. Mr. Doherty pointed out the lot line between lots 10 and 11, if they can bring that down to the line above 'New' it takes away the tail. Mr. Gendron said there would be plenty of room on that lot. Mr. Doherty asked if that area was flat. Mr. Gendron said yes, and that the road is at 3%. Mr. Doherty asked if there were any wetlands. Mr. Gendron said that near lot 9-94-13 there is a little wetland that runs across Hayden Road and keeps going and that is the only wetland. Mr. Lynde asked if lot 9-96-1 has an existing dwelling and was the cul-de-sac taking some of that land. Mr. Doherty said they already talked about that, and they will make that lot smaller to not encroach on the cul-de-sac. Mr. Lynde asked who owns 9-96-1. Mr. Mendes said he owns it now and has a duplex on it. Mr. Doherty said that lot is showing to go all the way into the cul-de-sac. Mr. Gendron said there is no proposal for a new house to go there and the back of that lot will back up to the cul-de-sac and it has to remain 2 acres, as it has a duplex on it. Mr. Lynde asked about the slope on the cul-de-sac as, it looks steep. Mr. Gendron said it climbs a little bit. Mr. Lynde asked what the lines indicate and are they 10 feet apart or 2 feet apart. Mr. Gendron said the steepest portion of the roadway is at 6% and the regulations allow you to go to 8% and that is only a small section. Mr. Doherty asked about the page with the cul-de-sac on it and asked about the squares indicating the corners of the lots and are the lot lines going to go through the cul-de-sac. Mr. Gendron said that would be a temporary cul-de-sac and the lot lines would go right into it as it shows. Mr. Doherty asked what the purpose of showing a temporary cul-de-sac was. Mr. Gendron said they are providing a right of way into 9-97 for future development. Mr. Doherty asked how much frontage 9-96-2 would have. Mr. Mendes said yes it will. Mr. Doherty asked if that would end at an easement going through an abutter's lot. Mr. Mendes said a future right of way, yes. Mr. Doherty asked if it would be a 50-foot easement and Mr. Mendes said yes. Mr. Doherty asked what their timeline is for bringing this back as a plan. Mr. Gendron said they have more work to do, but probably a couple of months out. Mr.

Lynde asked if lot 9-97 somebody else owns that. Mr. Gendron said yes and that is the end of what they have. Mr. Doherty asked if he would like to start in the spring. Mr. Mendes said yes. Mr. Doherty said they are off to a decent start.

ADMINISTRATIVE

Ms. Beauregard said there is a bond release for Maglio Village, the senior housing on Nashua Road. Mr. Doherty said he had an inspection report from Keach Nordstrom. He conducted a final inspection on November 4, 2021 and found it to be overall in good condition. The drainage is working, and landscaping is showing strong growth. He said he agreed that all the improvements noted were satisfactorily completed. Ms. Beauregard said the amount is a full bond release of a remaining amount of \$10,700.00 for phase I and II. Jeff Quirk is recommending a full release. Ms. Masse-Quinn asked if there was an itemized list with these. Ms. Beauregard said she had one and will include those from now on.

MOTION: (Mr. Cote/Ms. Kirkpatrick) To release the complete bond

VOTE: (7-0-0) The motion passed.

Mr. Cote said that Mr. Grant had resigned from the NRPC as commissioner and the board of selectmen had put out a request to receive applications and so far, have received none. He said if anyone knows of anyone to please send them his way. Ms. Beauregard said it was already advertised but will send it out again.

ADJOURN

MOTION: (Mr. Montbleau/Mr. Cote) To adjourn the meeting.

VOTE: (7-0-0) The motion carried.

The meeting was adjourned at approximately 11:02 PM.

Respectfully submitted,
Jennifer Castles
Recording Secretary