

Town of Farmington
Planning Board Meeting Minutes
Tuesday, October 19, 2021

Board Members Present:

Charlie King, Chairman
Rick Pelkey, Vice Chairman
Bill Fisher, Secretary
Gerry Vachon, Selectmen's Rep.
Bruce Bridges
Jeremy Squires
Stephen Henry

Others Present:

Kyle Pimental, Planning Director
Bob Stowell, Trittech Engineering
Dennis Allfrey, New Style Homes
Edward & Lisa Malachowski, abutters

BUSINESS BEFORE THE BOARD:

Call to Order:

Chairman King called the meeting to order at 6 p.m.

Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

Review of Minutes:

October 5, 2021 – Public Meeting Minutes – No errors or omissions

Motion: (Fisher, second Squires) to approve the minutes passed 5-0-2 (Henry, Pelkey abstained).

Public Comment:

Mr. King said he will also allow public comments during the review of the new case and asked the public present to hold their comments until then if it is regarding that issue. He said if anyone had a comment on anything else they could do so now.

Mr. King said Mr. Pimental wrote about the public comment portion of the agenda in his last memo and that he was here to present it.

Mr. Pimental said he planned to include it as a running agenda item. He said it was a comment that was brought up when they were having a discussion about the Master Plan and just having a comment agenda item that will be on every Planning Board agenda moving forward. It's just a time for residents that want to come before the board and speak about any land use that the board has purview over keeping in mind that whenever there are public hearings like there is tonight if someone wants to speak on that to hold off until that public hearing he said.

He said a member of the public commented that she never saw something on the agenda so she wasn't sure if the board, even though we're always open to hearing from the public just to put it on there as a business item moving forward so that is what they plan on doing.

Mr. King said he has been the Chairman of this board a couple of times over a few years and even when he has chaired other boards he always tried to allow public comments throughout the entire meeting because somebody might have something pertinent to say regarding an issue that they didn't have prepared. It's good to have it on the agenda so people feel they have an opportunity and we allow it pretty much the entire time except for when we shouldn't do it procedurally during application hearings until they are accepted as substantially complete we really shouldn't entertain public comment he said

Any Other Business before the Board:

Discussion on Potential Zoning Amendment- Consensus of the board was to postpone this item until after the discussion on the new case.

PUBLIC MEETING

NEW CASES:

Public Meeting for Consideration and Possible Vote on Minor Boundary Line Adjustment for New Style Homes, Tax Map R-61, Lot 9 and New Style Homes Tax Map R-61, Lot 19-1. The applicant is proposing to transfer 22,476 sq. ft. (0.52 acres) of land from Tax Map R-61, Lot 19-1 to Tax Map R-61, Lot 9. The applicant owns both parcels. The adjustment area would decrease Lot 19-1 from 1.9 acres to 1.4 acres and increase Lot 9 from 3.4 acres to 3.9 acres. The properties are in the Rural Residential (RR) Zoning District.

Chairman King read the above notice aloud.

Mr. Pimental clarified that because this boundary line adjustment didn't create a buildable lot this isn't actually a public hearing so they didn't have to put a notice in the newspaper but it did require them to send abutter notices to everybody. He said they could handle this as they normally but this is a public meeting not a public hearing he said.

Mr. King said it still requires the approval of this board.

Mr. Pimental said that is correct.

Mr. King said asked if there was someone present representing the applicants.

Tri-Tech Engineering President Bob Stowell said the property owner Dennis Allfrey of New Style Homes is also present. He said they were here in the late spring to talk about a potential subdivision of some other land that Mr. Allfrey owns there and the concept they had, the little dog leg that is actually part of the lot that fronts on Foxtrot Drive and at that time they were undecided as to where that should go as it is really pretty useless to everybody but the board's suggestion was that it go with the lot on Waldron Road. He said that wasn't planned to be part of the project and was a lot that Mr. Allfrey is developing at this point but it seemed that was the likely candidate for that little rectangle that hung off the end there.

Mr. Stowell said the rectangular piece is shown as Parcel A on the site plan and is currently part

of the lot that fronts on Foxtrot Drive (Tax Map R61, Lot 19-1) and pointed it out on the map. He said they are proposing to transfer that piece from that lot to Tax Map R61, Lot 9 so that that lot would have the little dog leg and would be a more regular shape than any other scenario they have. It's just a matter of transferring it and we're getting closer to having a package for the subdivision (for Lot 9) but we wanted to get this out of the way he said.

Mr. King opened the meeting to discussion from the board and asked if any of members had any initial questions. Hearing none he then opened the meeting to anyone with questions or concerns.

Mr. Malachowski said he came to the meeting to find out what the overall plan is. He said he assumed they bought the lot with the barn on it (Lot 19-1) to gain access to do the subdivision in 20 acres.

Mr. Allfrey said yes and they have done conceptual stuff with the board but they are not quite done with that. He said the proposal is to gain access from Foxtrot Drive on the back side of the barn and the little dog leg they were talking about was going to join one of the lots in the back which the shape is very odd and the board didn't care for that and this squares everything up and makes it a more uniform shape.

Mr. Stowell returned to the map and cautioned that they are not presenting this tonight and turned to page containing the subdivision concept they have been working on and pointed out the "sliver" of land they are looking to get rid of, the proposed lots and the potential location of the cul-de-sac for the proposed future subdivision.

Mr. Malachowski asked if they are planning to put in more mobile homes or modular homes in the new subdivision.

Mr. Allfrey said whatever the customers want to buy.

Mr. King asked if Mr. Pimental had anything to add on this matter.

Mr. Pimental then read aloud the following:

"The Planning Board approval of a lot line adjustment is limited to review of the configuration of the proposed new lots and lines to determine whether they are in conformance with subdivision regulations and any local zoning ordinance and acts as any other subdivision approval. It is recognition that the new lot line constitutes a use of the land that is consistent with local land use regulations and the overall land use plan of the municipality. The approval of the Planning Board does not create the new line. Lines dividing parcels of land do not move or disappear without a conveyance or a merger.

In the case of a lot line adjustment, we typically see a lot line move to create more favorable dimensions (which is the case for this project) for one or both lots. To complete this move, a conveyance must occur. The owners of the respective lots must transfer by deed, parts of their respective parcels to each other (in some situations like this one only one owner transfers to the other as the owner owns both parcels). The documents reflecting the conveyance should then be recorded in the Registry of Deeds along with the plan approved by the Planning Board.

This portion of the lot line adjustment is a private matter and the Planning Board need not be involved in the negotiation of the location of the line, the cost of the transaction or other private terms of agreement.

According to RSA 676:4, I (e) (1) minor lot line adjustments or boundary agreements which do not create buildable lots do not require public hearings prior to approval unless the subdivision regulations say otherwise. However, notice must be given in accordance with RSA 676:4, I (d) that the board is considering such a request. Similarly, public hearings are not required for the disapproval of applications based on failure to submit all information required by the regulations, notify abutters, meet deadlines or pay the required fees.

In this case, the proposed boundary line does not create a buildable lot and therefore did not require a public hearing. Abutter letters (the board received copies in their packets) were sent out on October 5th to give the abutters a chance to participate in the process.

It has been determined that all local land use regulations have been met.”

Mr. Pimental then recommended that the board find the application complete and then they can talk about approving it. He said it says on the plan that there may be a PSNH easement that’s recorded so while they don’t need it now for this approval he would suggest that they make sure that the applicant show where that easement is when they get to the subdivision part of it. He said in Note 11 on the site plan it says it may be subject to that and they are going to want to know more information about where that easement is when it comes time for the subdivision to take place.

Mr. King asked if they revised the minor boundary line adjustment application. He said he did not see anything asking if there is a lien or mortgage holder and if so typically they have required that the lien/mortgage holder sign off on the request because they can say no because they are owning against the land as an equity and they have a say in the matter.

Mr. Pimental said they have that as part of the merger but they have not changed this application.

Mr. King asked Mr. Allfrey if he owned these properties free and clear.

Mr. Allfrey said yes and there is no mortgage on the properties.

Mr. Pimental said if that is something they want to add they can.

Mr. King said he ran into this issue personally in Rochester when assisting his parents with a lot line adjustment with an abutter. He said there were some transfers back and forth and he had trouble with one of the finance companies signing off because they didn’t understand it and it took a while to resolve it. Typically we have just asked the applicant and haven’t necessarily required any substantial proof for a voluntary merger or a lot line adjustment but we should be asking the question to alert the landowner of any potential issues with his finance company in doing this he said.

Motion: (King, second Henry) to accept this application as substantially complete passed 7-0.

Mr. King asked if any members of the public present had any questions or would like an

explanation on what is happening.

Mr. Malachowski asked if there was any wetland around there that would affect his land because he has a culvert pipe going under his driveway and the water runs down there and sometimes backs up. He said the culvert pipe was crushed by the loggers last year and they were supposed to fix it and they never did. They told me to call the landowner and I don't know those people he said.

Mr. Stowell pointed out a green piece that is pretty wet and that they had to have a septic design up front as it was the lot of record and make sure it complies with all the local and state ordinances.

He said as part of the overall development out back they mapped the wetlands and as part of that in the future they will have a small wetland impact they hope to get through without any problems.

Mr. King asked if that is the culvert the abutter was referring to and if it was in the area they are going to develop in the future or if it's separate from that.

Mr. Allfrey said that is a future meeting.

The abutter said from the applicant's land to his land is 50 feet.

Mr. Allfrey said the discussion they are having today about the little strip of land is on the other side of the old Murray property so that doesn't have any bearing on him but when they get into the subdivision as the road comes through there, there will be some sort of wetland crossing through there.

Mr. King said when they come back to the board for that application the abutters will be noticed again by mail for what's going to be happening.

Mr. Pelkey added they will then have all the maps with the grades and the layout of the drainage, etc. He said at this point they have only talked about it but they haven't seen an official application and when they come back again they will have all that information and you will be noticed.

Mr. Allfrey said the culvert he is talking about is bringing water across Foxtrot Drive on both of their properties right down the main boundary line. That's well before we get there for this discussion he said.

Mr. Malachowski asked if they were going to put a fence there to separate his land from Mr. Allfrey's land.

Mr. Allfrey said he had no plans to put a fence there.

Another abutter said on the large map it looked like they will have a common space on the far left side where the majority of the wetlands is and asked if it would stay wooded.

Mr. Allfrey said it ends up being 8-12 acres and there is one buildable lot out of that entire piece. He said there will be access to it off the cul-de-sac but everything behind their property will be one big piece of land with most of it left intact.

Mr. Pimental said for clarification for the public present after tonight whenever they come back

with a subdivision plan they will be notified. He said they typically don't send out the engineering materials to the abutters because it tends to be a lot of paper but if they want copies of them let the Planning Dept. know and they can make them available for pick up at the Town offices. You won't get that with your abutter notice and it will be just like you received for tonight-when the meeting is and what time and there will be a full presentation that night just like tonight he said.

Mr. Squires said the list of abutters would be a lot smaller because of this lot line change.

Mr. Pimental said it's not going to be everybody there but they will see it in the newspaper.

Motion: (King, second Henry) to approve this lot line adjustment with the condition that the owner sends us in writing that there is no mortgagee on the two parcels of land;

Discussion: Mr. Pimental asked if they want that to be in the form of a letter.

Mr. King said it could be a letter or an e-mail where he states that there is no lien holder on either property that would require a sign-off by a lender.

Mr. Pelkey said there were a couple of other conditions that were recommended as well.

Friendly Amendment: by Mr. Pelkey:

2). that a note be added to Notice of Decision stating that this approval in and of itself does not effectuate a change in the lot line locations. Such approval merely constitutes recognition by the municipality that the lot configurations as proposed are in conformance with local land use regulations or are otherwise accepted with non-conformances;

3). That a request be made that the applicant upon recording the documents reflecting the conveyance with the Registry of Deeds, submit a copy of the transaction to the Planning and Community Development Department to ensure the Town knows when to update its tax parcel maps.

Mr. Pimental said the request for a copy of the conveyance with the Registry of Deeds was from the Assessing Clerk because once it's out of our hands sometimes it can be hard for us to track that but they won't make an amendment to the Town's tax parcel maps until they know that the conveyance has happened. There is no legal basis for us to do this it's just a request that the applicant do this to let us know he said.

He said the first condition stated by Mr. Pelkey is good housekeeping and they have added that statement in all of the previous lot line adjustments. He said it stemmed from him and the Town Attorney putting it together to ensure the applicants are aware that it doesn't constitute (a change in the lot line locations).

Mr. King said as part of the discussion they're approving a lot line adjustment and when the deeds reflect that lot line adjustment which will cite this plan as a reference so they will make changes to the deed that say per this plan done by Tritex then the meets and bounds of the lots will change.

Mr. Pimental said tonight's approval doesn't mean those lines are shifting.

Mr. Henry said it would be like approving the site plan and then the developer never builds the

project.

Mr. Pimental said it's not until the conveyance happens and that's when they'll shift the lines on the tax maps. You're just approving that the shifting of the lines conforms to our land use regulations he said.

Mr. Henry said the registry has to record the new deeds.

Mr. Stowell said the board's approval gives him the right to write those deeds per this plan and without the deeds this plan doesn't happen.

Mr. Henry asked if the registry notifies the Assessing Dept. when a lot gets changed.

Mr. Pimental said that is a question for the Assessing Clerk and that he thought that they did.

Mr. King said no and it's just like in a subdivision where they require as part of the approval a copy of the deed after it's recorded from the applicant to the Town or the Town records it and gets a copy.

Mr. Henry asked if you've got 20 lots where there used to be one the registry doesn't tell you.

Mr. King said no and either the applicant records it and gives a copy to the Town or the applicant provides the Mylar plans to the Town and the Town records and they have done it both ways over the years.

Mr. King accepted the two friendly amendments stated by Mr. Pelkey.

Mr. Henry also accepted the amendments.

Vote: The motion passed 7-0.

Discussion on Potential Zoning Amendment – Commercial/Industrial/Business Overlay Districts

Mr. Pimental said in the last few years they've done quite a few zoning amendments and he has been slowly tracking some of the items that might be worthwhile to bring forward to the board. He said this is one that has come up recently where making an interpretation was difficult. He said he highlighted 2 sections within the commercial/business district and the industrial business district that talk about the overlay.

He said all it says is in the CIBO the type of use proposed will determine which district standards will apply- if the use is industrial, the IB standards and if its commercial the CB standards. That is a little challenging when it comes to a use he said.

Mr. King said also in the Table of Permitted Uses there is no CIBO category.

Mr. Pimental said that is correct so it makes it a little bit challenging to determine. He said for example recently there was a self storage facility in the CIBO that wanted to expand but that use is not allowed in the commercial district but it is allowed in the industrial district. He said the way he thought this was meant to work was if it was in either or it would be allowed in the overlay district to allow for some additional flexibility for similar uses in these areas.

He said because self storage units are allowed in the industrial zone it would be allowed in the CIBO even though it's not allowed in the commercial business zone. If that was the intent of this board and that's how you want this to read we need to make this clearer. That's the way I ended up deciding to interpret it because it was going to be whether that expansion of a use

would need a variance. We decided not to go that route and they will have to come back for a site plan review if they decide to add an additional storage unit to the property he said. He said that is not clear and that it could be argued on either side. He said if the intent is to offer additional flexibility where they want similar uses to bleed over into these zones then we should have more of a purpose, intent and a little bit more about the uses because there is nothing else in the zoning.

Mr. King said if the board agreed that is consistent with the intent it could be added with a line that any uses allowed in the industrial or commercial districts would be allowed in the CIBO then it wouldn't necessitate a change to the Table of Permitted Uses.

Mr. Pimental said that is correct. He said it is okay that they don't have a Table of Permitted Uses for this and have to go through a bunch of them so long as that's the intent here.

Mr. Fisher said he agreed with clarifying it but he was curious about why they can't have storage units in a commercial district.

Mr. King said originally they were allowed and a lot of self storage units sprung up in the commercial zone and the board at that time said that is not what they intended for the use and they removed it from the commercial and only allowed it in the industrial zone and it stayed that way in the Table of Permitted Uses.

He said because of the way the structure was with industrial on one side and commercial on the other side and even though they had pre-existing uses from commercial, industrial and residential all in these zones they took the approach of letting the businesses sort out where they fit in and could co-exist to be more flexible and that was the underlying intent of the CIBO. He said there other things that determine where businesses go not just the zone so that's when the CIBO became a zone but they never came up with a Table of Permitted Uses defining what was allowed so when this question came up where it states they allow these uses together his interpretation is if we allow these uses together wouldn't the Table of Permitted Uses be a combination of both of them.

Mr. Henry asked if that is not clear here.

Mr. Pimental said he didn't read it as clear because it just says the type of use proposed determines the district standards. He said the district standards are just the bulk standards it doesn't necessarily say that use is allowed and the district standards are essentially the same except for the minimum side and rear setbacks.

He said it says if the use is industrial the IB standards would apply but you would have that anyway. He said what is confusing and needs to be clarified is the type of use proposed will determine which district standards shall apply. It doesn't necessarily say that the type of use allowed in one zone is allowed in both of them he said.

Mr. King said it is really a zone-an overlay zone.

Mr. Pimental said it makes up areas that are along Route 11, some are just industrial, some are just commercial and then there's an overlay where it combines the two. He said without having

the Table of Permitted Uses and not having anything else that said what the intent is or the goal of this zone is it needs to be spelled out more clearly.

Mr. King said if they put this in work product for the year it comes down to saying if you agree in the CIBO that any of the permitted uses in either zone will be allowed then it could be done with a simple sentence. If they disagree as a board they may still want to restrict some things in the CIBO then you would need to come up with a Table of Permitted Uses and restrict those specifically.

Mr. Pimental said that is a discussion for the board to have. He said the board should make a decision on this relatively soon because if they don't agree with how he interpreted this and they would like to see the CIBO broken out into its own separate Table of Permitted Uses on what would be allowed there that is going to be more work.

Mr. King said they need to have a public discussion with it that is prescheduled so the board could look at the Table of Permitted Uses and see if it makes sense to them.

Mr. Henry asked if they could have an exclusionary table instead of one where these are all the things that are allowed and you can do anything you can do in industrial or commercial except this.

Mr. King said they could if there is only one thing but if there is more than 1 they could just add another column to the table.

Mr. Pelkey said he thought they should bring the table in and go down through it to see if there's something that sticks out that they don't want to allow.

Mr. King asked how many things are permitted in one zone and are not permitted in the other zone and there could one point of discussion or there could be 10.

Mr. Pimental said a table exercise for the next meeting would be to compare what uses are allowed in commercial and industrial and go through them. He said if they want to go the route of saying if the use is allowed in one or the other combine them except for the prohibited uses they could do that and call out those prohibited uses specifically without having to add a new column to the table.

He said they could discuss this at the next meeting when they do the table exercise but noted that it is in 2 locations. It is referenced in the commercial business district and in the industrial business district but the language is exactly the same so once we do it for one, unless you feel there is an industrial use that does not belong in the commercial we would need to call that out in the commercial one and if there's a commercial/retail that you feel that doesn't belong in industrial then they would call that out.

Mr. Pelkey asked if they could do it by putting a footnote in the tables saying that is not allowed in the CIBO.

Mr. Pimental said they could do that too and there are a couple of different ways to do it. An overlay district deserves a little more substance than what is here he said.

He said this is the first one where an official letter has had to go out to an attorney for the client

to make a zoning interpretation that was not straight forward. He said as of right now he didn't have any other major zoning amendments and they are going to do a read through for minor spelling/format errors.

Mr. King asked how they are doing with storage containers and there have been any issues where it has not been clear, hasn't met the intent, issues with storage units staying in the frontage area or other issues they may need to look at to fine tune it.

Mr. Pimental said nothing has come to his attention and he would ask the Building Inspector if there have been any issues on the enforcement side. He said the previous Building Inspector left in July, this ordinance took effect in mid-March and he has not heard of any issues.

Mr. Henry said he had a couple of things the board might want to consider. He said the current zoning restricts retail even on Route 11 to a fairly small footprint of 7500 sq. ft. of retail space and asked if they want to keep this and anything over that is by Special Exception.

Mr. Pimental said that's correct and it's only allowed in the commercial business or the CIBO.

Mr. Henry said that sq. footage isn't all that big in today's day and age and gave the example of a new Rite Aid store would be bigger than the one we have now. If they were to build one now they're not going to build a small store like that he said.

Mr. King said he wasn't opposed to looking at that because 7,500 sq. ft. is not a lot of space and a retail space could potentially be 2 or 3 times that. He said there are also different restrictions based on whether the space is more or less than 7,500 sq. ft. that didn't make sense to him.

Mr. Pimental said that less than 7,500 sq. ft. it's allowed by right in Village Center and CB but retail stores over that are only allowed in the CB by Special Exception. The small scale retail stores which are less than 2,500 sq. ft. are allowed anywhere by right except for the IB. So there are 3 different categories but that's allowed in any zone even in residential zones he said.

Mr. King said this is something the board can discuss.

Mr. Henry asked if most of Pike's gravel pit off of Rte. 11 is currently zoned as residential.

Mr. Pimental said that sounds right and that is a big parcel.

Mr. King said that is because the IB zone is usually a distant setback from the main corridor.

Mr. Henry said they subdivided off the front parcel and the land that sits back there is currently zoned residential and asked if they want to look at that.

Mr. King said they might want to at least consider it because of things that have changed in the past 5 years, Rochester has added 2 million gallon a day wells below our well #6 that has fallen into more aquifer protection and along the Cocheco River the Shoreline Protection Act has added additional requirements and maybe we would have an overlay that would be sufficient for some protection he said.

Mr. Pimental said it was mentioned in the Master Plan that there is probably a need to have some public involvement about what to do with that area and what sort of future use makes the most sense for that area whether it's passive recreation, residential or if it's a good spot for a larger commercial development. He said depending on what the town wants for that area the

zoning should reflect that.

Mr. King said he would be concerned with it being a well constructed development that gives us the protections that we need because in comparing some of the uses people could say that residential has the lowest impact but depending on the density and what is permitted it may not be the least amount of impact environmentally based on the density or what is allowed for uses it could have less impact or more impact especially taking into account the sloped soils and access.

Mr. Pimental said in that area anything besides passive recreation is going to be difficult because of the access. He said there's only one access off of Rte. 11 and then they also have the other near the landfill.

Mr. King said that is only a "stone's throw" from Chestnut Hill Road.

Mr. Henry said depending on how the land is sold and developed there is potential access to the back next to PIP Rental.

Mr. Pimental said there would be other opportunities so it's not just that one parcel and if there is going to be a rezoning the board should think about the whole area there.

Mr. King said there is already one river crossing there that could be improved if somebody is going to come in there or they could come in on Chestnut Hill Road and stay on that side. There may be areas that are readily developable for any type of use he said.

Mr. Fisher said there is also some land back there that no one knows who owns it and it is completely landlocked and you can't get to it from Chestnut Hill Rd., Rte. 11 or from Cocheco Rd. That is one of the reasons why they (Pike) pulled their permit request for excavation back there he said.

Mr. King said he didn't know if that is one of the reasons but the piece of land he is referring to in his opinion it seems pretty clear who the owner of record is.

Mr. Pimental suggested that if there was to be any rezoning they might want to advertise some sort of charrette to get public input about what the allowed uses should be for that area.

Mr. Squires asked where the cutoff is for the residential zone.

Mr. King said it is residential on the Chestnut Hill Road side of the river.

Mr. Fisher said there are several businesses in there already on the Chestnut Hill Rd. side.

Mr. Pimental said he could bring in large scale map so the board could zoom in on the area.

Mr. King said from the Town line on Chestnut Hill Rd. forward it's all residential until you get to Rte. 11 where it's commercial and industrial.

Mr. Squires asked how far back the Pike property goes.

Mr. Pimental said it goes back for quite a ways but the percentage of that that is commercial is just the front and is not much.

Mr. King asked if it is 1,000 sq. ft. or less on that side of the zone.

Mr. Pimental said he didn't know the exact amount but that sounds about right.

Mr. King said that when some of the zones on Rt. 11 were developed they were based on the

amount of road frontage and some of the zones intersect. He said after that when they did zoning they tried to follow parcel lines so parcels aren't split by zones where it made sense which is a little more difficult.

Mr. Pimental said there are also examples of that in the Urban Residential and Rural Residential zones where there are parcels with "fingers" that go out into another zone. He said outside Village Center district there are some areas where it looks like it was delineated at the parcel level so it has been done. I think we should look at that and that property has been called out in the Master Plan as having potential for redevelopment or for recreation so depending on what the town wants a rezoning may need to happen for that goal to be achieved he said.

Mr. Henry said he didn't know how many lots were back there and there is more than one gravel pit and because of the way it has been used it looks like a good place to develop commercially because of what it looks like now and it would make a very large residential subdivision as well which is what it is currently zoned for.

He said for recreational use somebody has to pay for that because you can't go in and take this land that is zoned residential and tell somebody you can't build a house here but you can let people hunt and fish here. That is a real taking of property rights to do that so unless the Town is going to cough up the money to buy I would be cautious about saying we'll just turn it into recreation he said.

Mr. Pimental said for the next meeting he would make a map of that area to have a discussion about potential zoning changes, he will ask the Building Inspector for an update on any issues they need to look at with the storage units, review the commercial and industrial uses in CIBO and look at the Table of Permitted Uses, consider some of uses now allowed by Special Exception from the ZBA that could be allowed by a conditional use permit which can be approved by the Planning Board and remove the need for a ZBA approval.

He said the recreational vehicle use failed (to get voter approval) and that had to do with the way the attorney had written it for public education. He said they were trying to make it more flexible but because it wasn't reader friendly people thought it was more restrictive and asked if the board wanted to revisit it.

Mr. King said the board should revisit it and decide if they want to bring it forth again with a better understanding to the public.

Mr. Pimental said people came up to staff and said they voted no on this because they couldn't understand it. He said legal counsel writes that part of it and the board should review it and maybe tweak the language to make it a little bit easier to understand.

Mr. King said they may be better off to have the board write it and have the attorney suggest edits rather than having the attorney write it and the board suggest edits because they write it from a legal perspective and he wasn't sure how many lawyers there are in town.

Joint Meeting with Selectmen- Mr. Pimental said the Board of Selectmen has chosen Nov. 29 at 5:30 p.m. as the date for the joint meeting with the Planning Board. He said the purpose of the

meeting is to discuss the establishment of the Leadership Committee that will be tasked with implementing the Master Plan. He said he will prepare a short memo for the Town Administrator to distribute to the Selectmen and he will update the board as it gets closer to the meeting date.

He said that is also the fifth week of the month so there is no Planning Board meeting the next day and asked if the board wanted him to attend this meeting.

Mr. King said absolutely!

Adjournment:

Motion: (Bridges, second Henry) to adjourn the meeting passed 7-0 at 7:05 p.m.

Respectively submitted

Kathleen Magoon

Recording Secretary

Charlie King, Chairman