

Town of Farmington  
Planning Board Meeting Minutes  
Tuesday, October 6, 2020

**Board Members Present:**

Charlie King, Chairman  
Rick Pelkey, Vice Chairman  
Bill Fisher, Secretary  
Ann Titus  
Bruce Bridges

**Board Members Absent:**

Gerry Vachon, Selectmen's Rep., excused  
Stephen Henry, excused

**Others Present:**

Kyle Pimental, Interim Planner

**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:**

September 15, 2020 – Public Session – No errors or omissions

**Motion:** (Titus, second Fisher) to accept the minutes as written passed 4-0-1 (Pelkey abstained).

**Amendments to Notice of Decision:** North and South Investors, LLC -Tax Map R20, Lot 1-2, 27 Main Street - Mr. Pimental said that 2 things were added to the notice that were not part of the original (Sept. 15) meeting: 1). that the applicant remove all professional engineering stamps belonging to Scott Lawler from the final plat sheets; 2). that a post-construction as built plan from a licensed engineering firm will be completed prior to the issuance of a Certificate of Occupancy.

He said these 2 additional conditions were made part of the waiver request and that all parties have agreed to it. He said the reason for this was that the plan that was conditionally approved was a hand drawn plan and the process should have been for the applicants to come to the board with a waiver prior to that and they should have traced the plan onto a blank sheet of paper and not draw on an engineered plan which could result in some liability issues. There was a representative from Norway Plains at that meeting and after the meeting they let us know that that was not the process we should have followed and we contacted the parties to remedy the situation and those are the 2 conditions they all agreed to he said.

Mr. Pimental recommended that moving forward the only hand drawn plans the board should accept would be for changes of use and for any sort of construction hand drawn plans should

not be allowed. He said if they do allow it for a change of use the applicant should take a blank sheet of paper and trace from a previously engineered site plan and put their names on it. If we see a marked up engineered plan we will let the engineering firm know about it immediately so it won't come to the board at a public hearing he said.

Mr. Pelkey asked if the person who paid for the engineered plan owns it and it is theirs to use as they see fit.

Mr. Pimental said he didn't know what the law is in terms of an applicant using a plan once they pay for it but they should not mark it up to use for any sort of amendment to the plan.

Mr. Pelkey said if the applicant is going to mark up a plan they should come forward to tell them this is their mark up of this plan and is not the plan the engineer drew. He said the board should be cognizant of this as well and be thinking of this when reviewing plans.

Mr. King said it should not have gotten to the point where it came before the board at a noticed public hearing and then have the board say they did it wrong, go home and come back in a couple months. Procedurally we should be doing that at the front of the process not at the end of the process he said.

Mr. Pimental said that it was his mistake and it never should have gotten to the board and the Planning Dept. should have made the decision to not accept hand drawn plans for new construction and that the plans need to be engineered. If they didn't want to do that they could come to the board and ask for relief he said.

**Community Planning Grant Reporting:** Mr. Pimental said he received a call from the NH Housing Authority about 2 weeks ago informing him that the Town had applied for and received a Community Planning Grant and that grantees were required to report on the effect of the grant work. He said former Planner Kathy Menici applied for the grant for this project which was awarded in 2012 and after the work was completed the Town should have submitted yearly reports between 2015 and 2019 answering questions regarding any ordinance changes, density requirements and the Route 11 corridor.

Mr. Pelkey asked if the purpose of the reports was to determine if the grant had been effective. Mr. Pimental said that is correct. He said this was required of all communities that received this grant and this is typically required so they can track if the money that they're giving the communities is being used and having an impact.

He said in this case it's not the Town's fault for not submitting the reports. The NH Housing Authority had a platform they were going to use and they never released it until very recently so they are now asking the Town to go back to between 2015 and 2019 and try to figure out what was accomplished based on the Land Use and Regulatory Policy Audit (prepared by Jeff Taylor & Assoc.) that was done in 2012.

Mr. Pelkey asked who is funding all of that.

Mr. Pimental said it is an unfunded state mandate. He said he will be working on this over the next few months and most of the information needed should be available in the Annual Town



Reports as they will have the warrant articles regarding zoning amendments but it may be a little more difficult to obtain information on site plan/subdivision regulation changes as the Planning Board can do that at any time and the Town Administrator may be able to help with the questions on funding and the TIF District.

He said at some point over the next month or 2 he will bring in a draft of the answers to the report questions and ask for the board's help to fill in any gaps. He said he didn't know the policy audit existed and found it to be pretty helpful in that looked through the Master Plan and the zoning ordinance and encouraged the board to read it as it may show some potential zoning changes that still need to be accomplished.

Mr. Pimental said there is no strict deadline to complete the report and the NH Housing Authority has asked the towns to do their best to get it done. He said his goal is to have something by year end but the Town Administrator has said completing the revision of the Master Plan should be his #1 priority outside of the normal tasks for the Planning Board.

**Revisions to Fee Schedule:** Mr. Pimental said at the Sept. 21 Selectmen's meeting the Selectmen reviewed the recommended changes to the fee schedule made by him and the Planning Board and voted to make the following changes:

**Planning Board -Major Site Plan Review** – to change the fee structure from a \$200 base fee plus \$100 per 1,000 sq. ft. to a \$200 base fee plus 10 cents times the total number of sq. ft.

Mr. Pimental said the reason for that was if someone came in with a 1,995 sq. ft. building they would only pay \$100 where if they did it this way the fee would be \$195 and the calculations would be based more on what's actually happening.

**Voluntary Lot Mergers** – to reduce the voluntary lot merger fee to \$0

**Planner Fees** – to abolish the Planner's fees for both the Planning Board and Zoning Board of Adjustment (ZBA)

Mr. Pimental said he did not think the \$75 per hour after 2 hours was being utilized. He said it was agreed that structure doesn't work with the structure he has as the Town's contract Planner and in the future if the Town decides to hire a contract Planner just to review plans and not have office hours or do anything else then that structure might make more sense.

**ZBA – Variance, Special Exception and Appeal of Administrative Decision Requests-** reduce the application fee from \$150 to \$100

Mr. Pimental said they also plan to work with the Town Attorney on a policy statement stating if the applicant wins their appeal the \$100 application fee will be refunded but the required public notice fees will not be refunded. He said the only recommendation the Selectmen disagreed with was to reduce the appeal application fee to \$0.

**Potential Zoning Amendments:** Mr. Pimental said he worked on 2 zoning amendments regarding the provisions for site plan review authority and for temporary storage units.

**1). Add Provisions to Allow Certain changes of Use to be Reviewed by the Planning Dept.**



Administrative Requirements, Section 1.02 (D) Site Plan Review Authority – He said this section details what triggers Planning Board approval and it needs to be made clearer.

He said he tried to organize it a little differently based on the RSA that requires site plan approval for new construction for non-residential uses, multi-family dwellings (3 or more units in Farmington), uses permitted by special exception, conditional use permits for work within the Groundwater Protection Overlay or Rt. 11 Business Node Overlay and special use permits for work within the Wetlands Conservation Overlay District, Waterfront Protection Overlay District or Non-Conformity uses. He said that a lot of this information is already in the zoning but it is not in one place so he put it under new construction.

Technical Review Committee – Mr. Pimental said some input is needed from the board on what triggers the TRC and right now it's at the discretion of the Planning Dept. on whether they feel as though an application needs technical review. He suggested the board may want to think about spelling out the things they want the TRC to look at such as the size of the project, amount of impervious coverage, parking, etc. and set some criteria for TRC review.

Change or Expansion of an Existing Use – Mr. Pimental said currently all existing uses require site plan approval and he is trying to come up with a way where that doesn't need to be the case. He read that the criteria that constitutes a change of use says any development that causes a residential structure to be converted resulting in an increase of 5 or more units as well as proposals that would expand the existing structure by more than 1,000 sq. ft. including additional floors or an increase of 25% of the total building area, whichever is less and this is what the zoning already says. He said if it is a change of use and it doesn't meet that criteria, it will not come before the Planning Board for review.

Mr. Pimental also recommended that in the site plan application that instead of only the Village Center (VC) district having an expedited review that they have it for all zoning districts. So anything that falls within the developmental increase would come in front of the board and if not it gets an expedited review just like projects in the VC he said.

He said the Selectmen asked if it was legal to reduce the fees just for businesses within the VC and the Town Attorney said they couldn't do that. He said he would ask if they can't do that for fees how they could do an expedited review in one zoning district and not the other districts. The Town already has a process for expediting the changes of use in the VC which could be applied town-wide he said.

Mr. King asked for his thoughts on the interpreter of the ordinance. He said that the Code Enforcement Officer (CEO) has been the sole interpreter of the ordinance since about 2001 and asked if they should consider changes in this area.

Mr. Pimental said that where it says that the CEO is authorized for enforcement of the ordinance is in a section that is very specific and that in section 1.10, Interpretation, Administration and Enforcement it says the Town authorizes the Selectmen to establish a Dept. of Planning and Community Development that shall have the authority to interpret and enforce



this ordinance, local codes and Planning Board and ZBA decisions.

He said in section 1.08, Violations, Inspections, Powers and Duties of the CEO is where it says the CEO shall enforce the provisions of this ordinance and is authorized to make inspections pursuant to a plan or a response to a complaint or alleged violation of the provisions of this ordinance that may exist or the CEO finds probable cause to believe that a violation of this ordinance has been or is being committed.

Mr. Pimental said there is a little bit of contradiction there where one section says the CEO shall enforce the provisions of the ordinance and the next section below it says the Planning Dept. shall interpret, administer and enforce this ordinance.

Mr. King asked if this needs to be revised.

Mr. Pimental said if they want to revise this they should look at the section on the Powers and Duties of the Code Enforcement Administrator and at the Interpretation, Administration and Enforcement section because it says the Planning Dept is authorized to perform those tasks. He asked if the Dept. of Planning and Community Development means the Planner, Land Use Assistant and the CEO together or by committee and is not really clear.

Mr. King said the board could re-assume that authority or assign a designee that could be a person or a group to interpret the ordinance and the enforcement could stay with the CEO.

Mr. Pimental recommended if they are going to review things by committee, in order for it to stay at the Planning Dept. the decision would have to be unanimous and if not it should get kicked to the Planning Board to make a decision.

Mr. King asked if there should be 2 or 3 people on the committee.

Mr. Fisher said the Land Use Assistant Sarah Morse should be involved with the decision.

Mr. King disagreed and said that she has certain duties and that is not in her job description.

Mr. Pimental said Ms. Morse could provide input and information but the decision would be made by the Planner and the CEO. He suggested that section 1.10 may be where they want to make this change and to specify how the interpretation and administering of the ordinance should go, who is making the decisions and what happens if they can't reach agreement.

Mr. King said if 2 or 3 educated professionals such as the Town Administrator, the CEO and the Planner cannot reach consensus then the ordinance is not clear and it should come back to the board to be interpreted and then revised in a future zoning amendment.

Mr. Pimental said that process would be a good way to judge where there is clarity and confusion in the ordinance and to track potential changes needed. He said he will review section 1.10 and bring some recommended revisions to the Nov. workshop meeting. He asked if the proposed changes to section 1.02 were going the in direction the board was thinking.

Mr. King said he disagreed with the number of units (5) that constitute a change or expansion of an existing use but that could be discussed at another time.

Mr. Pimental said that is what he has seen in other ordinances but it could be changed.

Mr. King asked if a multi-unit dwelling went from 3 units to 8 units it wouldn't trigger a site plan

review. He asked Mrs. Titus (who is a landlord) what the biggest multi-unit building is in town. Mrs. Titus said it is the old Hancock building with about 15 units.

Mr. Pimental said if they were going to increase the number of units in that building to 19 it would not need approval under this proposed revision but if they went to 20 units that would be an increase of 5 units and that would require site plan review.

Mr. Pelkey said now that we have increased the density they are capable of doing that.

Mr. King said with some of the multi-unit residences parking and trash removal is an issue and asked when an application comes for staff to review how they would ensure the requirements would still be addressed. He then asked how they would ensure that a multi-unit building that was grandfathered from having adequate parking and now wants to add 3 units which would not kick them to site plan review would still meet the current requirements.

Mr. Bridges asked if they are making a change to the building by adding more units if they would have to meet the new code requirements and have parking for the whole building.

Mr. Pimental said he was not sure how that works.

Mr. King said they could make that a requirement.

Mr. Pelkey said if the owner opens up that "can of worms" he would no longer be grandfathered because of the change and would be subject to the current conditions.

Mrs. Titus said she didn't think an owner wanting to add 6 units to his building should be allowed to meet the parking requirements by saying the tenants would park at the bank. She said some apartment buildings in town were grandfathered and their tenants are allowed to park here and there and that shouldn't happen anymore. If your place doesn't have parking you don't get it (approval for an increase in the number of units) she said.

Mr. Pimental said the parking discussion would fall under the site plan review regulations and they have talked about reviewing them but haven't touched them yet. He said the VC allows for "creative" parking solutions.

Mr. King said some past multi-unit site plans have been granted permission by the Selectmen to use the municipal parking lot.

Mrs. Titus said that has caused problems and if that is something we can fix we should.

Mr. King asked how it was causing problems when there are usually only about 6 cars there.

Mrs. Titus said there was a problem with plowing when they leave their cars there and the Town didn't have them towed and there are cars that have been there all winter sometimes.

She said there are cars all over the place on Mechanic, Union and Grove Streets because there is not enough parking when there's an apartment building with 4 units but they have 8 cars.

Mr. Pimental said if that is the direction of the board it can be addressed in the site plan parking regulations. He said for the zoning he is looking at how to make it a little easier so the board is not seeing so many changes of use.

Mr. King said if they are going to allow incremental increases that are not more than 50% they need to make sure they adhere to those parking requirements.



Mr. Pelkey said incremental increases could be used as a way to get around the zoning and they'll never have to come in.

Mr. Pimental said that is a good point and suggested they could specifically spell out that just because the proposal doesn't trigger the threshold for Planning Board site review that it still has to meet all site plan review requirements.

Mr. King said if they can't meet those requirements they need to get a waiver from the board.

Mr. Pimental said they wouldn't want to have the Planning Dept. approve anything where they can't meet the regulations.

Mr. Pelkey noted the Planning Dept. does not have the authority to grant waivers and that would remain with the board.

Mr. Pimental gave the example of a change of use from a pizza shop to a beauty salon where nothing is changing with the parking and they could expedite that application more quickly. He said if the new use couldn't meet the parking requirements the application would automatically come to the board. He said he liked the idea of adding a percentage increase to the criteria and the board could change the number of additional units triggering a change of use.

Mr. Fisher suggested changing it to 3 or more additional units to be consistent throughout the section and to add an increase of 50% or more to the size of the building.

Mr. King said if the building has 3 units a 50% increase would be 1.5 additional units and if the owner wanted to add 2 units he would have to come before the board so if they are going to limit the number of additional units to 3 they may want to increase the percentage to 75%.

Mr. Pimental asked if it's only going to be 3 units if they still need a percentage.

Mr. Fisher said they need to have a percentage for cases where someone has 3 one bedroom units and he wants to add 3 three bedroom units which would be an increase of over 100% of the size of the building.

Mr. King suggested they could add a size factor so if the development increases by more than 50% or a 3 unit increase.

Mr. Pimental said he would look at that and that under that provision it talks about an increase to the existing structure by more than 1,000 sq. ft. including additional floors or an increase of 25% of the total building area whichever is less and that is already on the books.

He said the board may want to consider having different sq. footage and percentages for commercial and residential uses. You may want to be more lenient with commercial than residential uses and not have a one statement fits all he said.

Mr. Pimental then asked if the board had any triggers for involving the TRC in a project.

Mr. King said one trigger could be the expansion of an existing entrance or addition of a new access point. He asked for triggers where people didn't have to come to the TRC.

Mr. Pimental said plans proposing to increase the amount of impervious coverage over a certain amount, accesses with potential traffic and safety concerns and having sufficient parking have triggered the need for TRC review and it is mostly driven by the size of the project.

Mr. King asked what size they use as a trigger for TRC review.

Mr. Pimental said the amount of impervious coverage is decent way to look at that.

Mr. King said that may not accomplish what they want as in when there is large building on a large lot with 3% impervious coverage but it's a 30,000 sq. ft. building or 5,000 sq. ft. building on a lot that is not that big so you have a high percentage of impervious coverage. He said it is the responsibility of the engineer as to how the storm water runoff is handled and if the lot accesses a state road the state is going to tell the applicant what to do.

Mr. Pimental said getting the TRC involved has been determined by "when we need it" and in the year and a half he has worked for the Town they have met with the TRC three times.

Mr. King said he is getting ready to submit an application for a new building and asked why he was told it needs to go to the TRC for review.

Mr. Pimental said most of the triggers for review by the TRC have been for new construction.

Mr. King suggested they could make that a requirement.

2). Add Amendments to Section 3.23 Storage Units for Temporary Storage Units- Mr. Pimental said he broke this section into temporary and permanent storage units as discussed at the last workshop and tried to clarify items A-J to make it clearer what the temporary permit is, when you need a minor building permit and the permit renewal period.

He said if an applicant wants to go directly to permanent storage or their temporary permit has expired and they want the unit to be permanent and they get a minor building permit then items A-D under Permanent Storage Units is something to think about.

He said a storage unit can't be located on the front portion of the lot in any residential district and in commercial districts it will be encouraged that the units will be placed in the back portion of the lot but if that is not feasible the applicant must demonstrate a solution to mask its appearance.

Mr. King said provision A will be problematic because it is not clear enough about not locating it on the front portion of the lot in a residential district as a lot could be located on 2 streets. He suggested adding it should not be readily visible from the road.

Mr. Pimental said for the residential districts the intent was not to have them on the front lawn and for the commercial lots because of their size and location it may not be feasible to do that.

Mr. King said the board would look at that at site plan review and has the authority to say yes or no. He said a residential application wouldn't come before the board so it must be specific as to where the units can be located.

Mr. Pimental said items B, C and D require the unit to be fenced or screened, be kept in good condition and be located on an impervious surface to reduce potential hazardous material exposure to the soils even though there shouldn't be anything hazardous in the units anyway.

Mr. King asked for the definition of impervious surface.

Mr. Fisher asked if someone wanted to have a permanent storage unit and put it up on blocks why the surface beneath it has to be concrete.



Mr. King said most people consider an impervious surface to be asphalt or cement but well compacted gravel is considered about 90% impervious and asked if that would be acceptable. He said requiring an impervious surface doesn't really address hazardous materials exposure because if there is a concrete slab under the unit the hazardous material would run off the slab and still leach into the ground.

Mr. Fisher said they should add a provision prohibiting the storage of hazardous materials to the section on permanent storage units and remove the requirement for them to be located on an impervious surface.

Mr. Pimental said they could look at using the criteria on regulated substances over a certain weight or volume in the groundwater protection areas.

Mr. King said they could consider adding a general statement that the units are not intended for the storage of large quantities of hazardous materials.

Mr. Bridges said he could fit his skid steer in a ground level container and asked how much hydraulic fluid that it holds.

Mr. King said that piece of equipment could hold 40 gallons of hydraulic fluid.

Mr. Pimental said the definition includes "shed-like" container but he envisioned them to be more like the box trailer type storage units and these are the metal containers that were problematic and why they are in the ordinance in the first place. He said they may want to look at the changing the definition of temporary storage unit so there is no confusion that we're trying to regulate someone's shed as that is not the purpose of this.

Mr. King said item B under temporary storage units says that units that have existed on a property prior to the adoption of the amendments to Section 3.23 of the ordinance in March 2021 require a minor building permit or it must be removed. He said he has a problem with this because someone has had a unit there for 30 years and now we are saying it's a temporary unit and he has to get a minor building permit or remove it.

Mr. Pimental said the Town is already saying this and it was determined by legal counsel that these units are not grandfathered because they were never an allowed use.

Mr. King said the Attorney's interpretation is flawed in some ways because she makes assumptions there has always been zoning in this town which there hasn't and doesn't address those units that were there before zoning was adopted in the 1970's. He said the ordinance is a restrictive ordinance so if it wasn't specifically listed then it's not allowed and that we don't enforce this in other areas. I take exception to this because it's very problematic and could be enforced inconsistently. If it's already there before this amendment which makes them permissible why would we be making people jump through hoops for no reason he asked.

Mr. Bridges agreed.

Mrs. Titus asked if someone had a container on their property for 40 years before zoning was adopted in 1979 if those units would be grandfathered.

Mr. Bridges said there could be a lot of things in town not allowed because they are not

specifically listed in the ordinance.

Mr. Fisher asked if they could delete “require a minor building permit or the unit must be removed” from the end of item B and replace it with “are excluded from these requirements” so that it would read that all temporary storage units existing on a property prior to the adoption of these amendments in March 2021 would be exempt from the requirements.

Mr. King said these units have been there more than 6 months so they are not temporary units and they need to meet the permanent storage requirements-period.

Mr. Pimental said that is a minor building permit.

Mr. King suggested they take out the need for a permit but retain the other requirements for permanent storage units listed in the ordinance. Filling out paperwork for something they’ve been doing for 20 years doesn’t make sense he said.

Mr. Pimental said he was pretty sure that right now the Town is enforcing this by saying any unit that has been there is not considered grandfathered and if they want it to stay in perpetuity all they have to do is get a building permit to ensure it is not in any of the setbacks.

Mr. Fisher asked if there is a charge for the permits.

Mr. Pimental said he thinks there is a fee but he didn’t know how much it is.

Mr. King asked if someone has a portable building if they could put it in the setback.

Mr. Pimental said he didn’t think you could put a structure in the setback permanently.

Mr. King said they also previously discussed the Table of Permitted Uses and if it makes sense to simplify and clarify the table. He said some of the format of the table was structured around the concern at the time about motor vehicle sales and motor vehicle repair so there was clear delineation and some of the other uses followed suit such as computer sales is an allowed but computer repair is not an allowed use and that it is a common thing for a business to fix the items they sell.

Mrs. Titus said she thought if you had a business plan to run a bike shop downtown that the bike repair would be included in the plan and do everything all at once when you come before the board.

Mr. King said it would have to be a permitted use. He said if he was selling used items and wanted to repair used items that is not permitted.

Mr. Fisher said that would have caused the business owner to come to the board and request a waiver to do those repairs.

Mr. King said he couldn’t get a waiver because it is not a permitted use in the table.

Mr. Fisher said then he could take it to the ZBA and ask for a variance.

Mr. King said they should look at the table and consider making some changes to not be overly restrictive when we don’t need to be.

Mr. Pimental said right now the table is pretty extensive with a lot of specifics and asked if the board’s top priority was to look at the commercial side of things.

Consensus of the board was to look at the commercial/industrial uses in the table first.



Mr. Pimental said if there is a new non-residential use planned it automatically kicks into site plan review so he was asking if the board would open to the idea of making those uses allowed instead of with review and not putting that additional scrutiny on the use.

He gave the example of a car dealership being permitted with review and instead of concentrating on the site plan they are also reviewing the use as well. If you make that permitted by right when they come in front of you you're not concerned about the use you're concerned about the development and not about if this is what we want here he said.

Mr. King said if the use is permitted by right you're saying I'm permitted to do this and I don't care what you don't like about this plan you can't stop me.

Mr. Pelkey said that would be so as long as they meet the site plan requirements.

Mr. King said they don't have to if it's permitted by right and that requires no review.

Mr. Pelkey said that is just the use that is permitted not the site. He said he was concerned if they gave that permissive stance on it they would have no way of stopping Rt. 11 from becoming a car sales lot from one end to the other. We could have 3 dealerships in one area and the townspeople could ask us to hold up on the car dealerships in that area and we would have no teeth to do that because it's not permitted by review anymore.

Mr. King used the example of seasonal sales people do in town where a farm stand is okay but a guy wanting to sell fire wood or lawn ornaments has to get a permit for that. He suggested they may want to simplify that to the seasonal sale of items is permitted if there is no permanent structure involved.

Some members said that could be a yard sale.

Mr. King said the zoning doesn't allow for seasonal sales of items depending on what it is.

Mr. Pimental said the market wouldn't allow that to happen and a developer is not going to come in and put a car dealership where he is not going to be able to make a living from it.

Mr. King said he is right in that they all don't survive but then they become degrees of not surviving and disrepair.

Mr. Bridges said when he was getting the permits for the Loc-Tite storage facility the Planning Board Chair at the time asked him what makes him think another storage facility would survive there. That's none of our business as a board if it will survive and that's what I told him he said.

Mr. Pimental said the biggest difference between allowing it and permitted with review is that with review the board has the opportunity whether they meet all the requirements or not to not approve that use.

Mr. King asked if it functions the same why they would make the change.

Mr. Pimental said if they allow a certain use in 2 residential districts but don't allow it in the other 2 residential zones he would look at those to see if the board still feels that they should be approving that use. There might be examples of where we would ask why we are allowing this by right here but not here he said.

He said there are also a lot of special exceptions and the reason for that is because you want

the ZBA to look at those and make a determination. However, there may be examples where you could make that a conditional use permit instead which means the applicant would not have to go to the ZBA and then come to the Planning Board. They could get the conditional use and the site plan approval all under the Planning Board umbrella he said.

Mr. King asked if they need to finish up in Nov. to post for a public hearing in Dec.

Mr. Pimental said he didn't have the schedule with him.

Mr. King asked that this be put on the agenda for the next meeting and based on the hearing load to continue to work on it at every meeting.

**Master Plan Update:** Mr. Pimental said that he and Mr. King attended the Sept. 28 Selectmen's meeting to give them an update similar to the one he gave this board. He said he told them this board did not feel comfortable enough with the final draft of the plan to set a public hearing date in Oct. and went through the recommendations that were not incorporated in the plan, what their expectations were and what his next steps are. ADG has sent us the In Design files and SRPC has a license for the In Design software. He said Mr. Johnson made a good point in that ADG was supposed to provide a document the Town could edit on their own but unfortunately they did not.

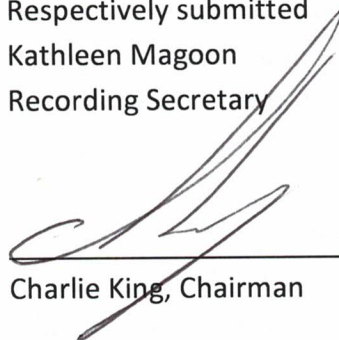
Mr. King asked for the cost of In Design software and if it has a reoccurring license fee.

Mr. Pimental said he didn't know the cost or if it would be useful to Town staff for anything else. He said they agreed that he would use his contracted time with the Town to incorporate the recommendations and make any edits needed and provide a revised version to the board. He asked the board to read the audit done by Jeff Taylor and provide their feedback on if the recommendations from the Master Plan that were made then should be incorporated now.

**Adjournment:**

**Motion:** (Titus, second Bridges) to adjourn the meeting passed 5-0 at 8:05 p.m.

Respectively submitted  
Kathleen Magoon  
Recording Secretary



Charlie King, Chairman