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Stratham Planning Board Meeting Minutes March 07, 2018 Municipal Center, Selectmen's Meeting Room

> 10 Bunker Hill Avenue Time: 7:00 PM

Bob Baskerville, Chairman

Mike Houghton, Selectmen's Representative

Tom House, Secretary David Canada, Member Robert Roseen, Alternate

Members Absent: Jameson Paine, Vice Chairman

Staff Present: Tavis Austin, Town Planner

1. Call to Order/Roll Call

a. February 7, 2018

Members Present:

The Chairman took roll. Mr. Baskerville asked Mr. Roseen to be a voting member due to Mr. Paine's absence. Mr. Roseen agreed.

2. Review/Approval of Meeting Minutes

Mr. Baskerville moved to postpone the February 7, 2018 approval of minutes to the March 21, 2018 meeting due to lack of voting members present from the February 7, 2018 meeting.

Mr. Canada arrived at 7:02 pm.

3. Public Hearing

a. 6-Lot Subdivision Application to create five (5) new building lots at 8 Whittaker Drive, Stratham NH 03885, Map 19 Lot 68 submitted by Jonathan S. Ring, PE, Jones & Beach Engineers, Inc., PO Box 219, Stratham, NH 03885.

Mr. Austin stated the staff review before the board is the same staff review with some minor revisions which includes changes and revisions related to the RCCD soils review and Civilworks review by Paul Connolly.

Jonathan Ring, Jones & Beach Engineers, introduced Brian Sullivan, and Attorney Kevin 46 47 Baum. Mr. Ring stated his client preferred the loop road layout versus the through road which is practical, but less preferred for the client's sake, lot purposes, character of the 48 neighborhood, and many other reasons which have been previously discussed with the board. 49 Mr. Ring stated the full loop road design was submitted in December 2017, and when before 50 the board on January 3, 2018 the wetland controversy regarding 1995 wetland lines in the 51 2017 delineation, so Rockingham County Conservation District completed their independent 52 53 review and determined the wetland delineation is substantially correct and only one flag on Lot #3 moved about 20 ft. Mr. Ring stated at the December 6, 2017 meeting Civilworks 54 review was not complete, the drainage design was not complete, and the drainage pond was 55 56 still inside the cul de sac loop road. Since the December 6, 2017 meeting the drainage pond moved to the back of Lot #3 and #4 and Civilworks comments have been addressed from their 57 February 5, 2018 review letter. Mr. Ring stated the extension of Whittaker Drive is preferred 58 and changes the existing cul de sac bubble to a loop road. Mr. Ring explained highway trucks 59 will be able to drive through on the loop road which was a concern to Mr. Laverty. Mr. Ring 60 explained there is connectivity via a 10 ft. wide public trail and runs from the loop road down 61 to Lot #2 toward the right of way toward Hillcrest Drive. This easement is shown on the 62 plans. The drainage was moved out of the loop road center and the plans are 100% complete 63 and ready for board action. Mr. Ring stated there are several waivers requested with the 64 current plan, which is shown on Sheet A1 and note #3. 1) to allow plan scale to be 1" = 60 ft.; 65 2) to allow a loop road configuration, rather than a bubble; 3) to allow 3:1 side slopes to 66 reduce the lot impact with respect to the slopes and drainage; 4) to allow 22 ft. versus 24 ft. 67 wide roadway; 5) to allow the extension of an existing dead-end for a road to service five (5) 68 69 lots., etc. The road is 22 ft. wide for the five (5) lots which Mr. Ring believes is appropriate for the small traffic area. Mr. Ring stated limited traffic can utilize the proposed roadway, 70 there are no new dead-end streets created because it will be an extension of Whittaker Drive, 71 and the loop road is a better configuration from a cul de sac and will minimize destruction to 72 73 the neighborhood and potential impact to direct abutters on any new through road. Attorney Baum and Mr. Sullivan had nothing to add and Mr. Ring reiterated this is the layout they 74 75 prefer. 76 77 78 79

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Mr. Baskerville opened the meeting for board comments. Mr. Roseen stated that one of the points of contention is cul de sac versus through road and requested Mr. Ring elaborate on the position that it is not practical. Attorney Baum stated it is practicable which is what the regulations state. Mr. Baum stated the board made a determination at a prior meeting regarding the practicable determination and the applicant is not arguing that it's not practical. Attorney Baum stated there is a waiver from Section 4.4.3 to build a dead end road and is fully within the board's power to grant and he believes it's reasonable and makes sense to grant for all the reasons Mr. Ring stated; i.e. less impact on the neighborhood, the abutters are in favor, it avoids significant additional costs to the applicant, and it does not create a new cul de sac one is being extended which addresses some of the concerns of Public Works in terms of costs. In order to meet the concerns of the intent of the regulations to provide for connectivity, the applicant provided a trail for connectivity. Attorney Baum stated this is a reasonable compromise within the board purview to grant and offsets some potential impacts. Mr. Roseen asked for Attorney Baum or Mr. Ring to elaborate on what might be necessary for the Graves property to make the through road happen. Mr. Ring stated this was discussed at the December 6, 2017 meeting and a list of 18 issues regarding the Hillcrest Drive connection was submitted on November 16, 2017, including a plan. Mr. Ring explained the issues involved the road length, the Hillcrest right of way is 50 ft. wide and would make it difficult

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to construct the new road inside the right of way, relocate about 340 ft. of existing underground utilities on Hillcrest; a catch basin would need to be deepened on Hillcrest; driveways reconstructed and street addresses would change; the dug wells on the Graves property may be adversely affected with contaminations if the road were to go through, a wetland permit would be required to fill some of the wetlands, there were many environmental and financial issues, as well as the inconvenience of the neighborhood and abutters. Mr. Baskerville stated that before the January 3, 2018 meeting Mr. Laverty sent a letter to the planning board with an extensive comparison of prices regarding both proposals. Mr. Baskerville stated the Department of Public Works and the Fire Department are against a cul de sac and staff is very adverse to the plan in its current state. The planning board has a lot to consider. Mr. Austin requested the board take the Fire Chief's email which is less dependent on the through road or cul de sac to a loop road but it questions a cistern. Mr. Ring stated the cistern was discussed and it is the client's position that it is an owner's responsibility for these five (5) lots to provide a cistern, given the financial considerations, and the reason a cistern is not shown. Mr. Baskerville stated he likes that there was a trail connection added, and would like to see a trail built not just an easement given.

Mr. House asked for clarification of a cul de sac and a loop road. Mr. Baskerville stated it is still a dead end but a "loop road" is most likely a larger road. Mr. Baskerville asked Mr. Ring for the diameter of the road. Mr. Ring stated it is a 90 ft. centerline radius. Mr. Canada stated he cannot support the cul de sac option and explained that previous planning boards lined the two cul de sac's up and, although Mr. Canada understands the neighbor's concerns, it is in the best interest of good planning and shouldn't be approved based on essentially increased profits for the developer. Mr. Roseen stated he is troubled by the focus on staff recommendations in relation to the neighbor's concerns and the board and staff serve the residents. Mr. Roseen stated he is not convinced that through roads versus cul de sacs are an example of poor planning. Mr. Roseen stated the easement is insufficient and will have an impact on the Graves if it is a through road. Mr. Austin explained that staff comments are based on the rules

have provided the ability for connectivity between these parcels through easements and that is the spirit and intent of the master plan and vision for the town but the planning board is at a spirit of compromise. Mr. Houghton stated he cannot ignore the viewpoints of the town life safety folks and planning department which is a point of conflict for him. Attorney Baum stated in the spirit of compromise the applicant would be willing to set space aside for a cistern and provide funds for 1/3 the cost of a cistern. Mr. Houghton reiterated the fire chief states a cistern is important and if no cistern then put in a through road. Mr. Houghton explained Mr. Laverty is an asset to the town and he put his position forth and although Mr. Houghton doesn't take away his position on the concern, there are two cul de sacs currently being plowed so while there is more road to plow than there was because of the loop, existing cul de sacs are already being plowed. Mr. Roseen stated a cistern cost \$1 per gallon, not installed, and roughly double that for the cost to install. Mr. Houghton requested the cost of a cistern before he would make his decision and a more detailed plan on the path. Mr. Houghton questioned who would be responsible for the long term upkeep of the trail. Mr. Austin stated, in the spirit of compromise, the trail easement as shown is 10 ft. wide and would requested to be developed with a 5 ft. surface, gravel or paved. Mr. Baskerville and Mr. Roseen agreed. Mr. Austin stated the storm water detention pond is coming with the homeowner's association and the trail could be the purview of the HOA. Mr. House requested the trail to be 6 ft. instead of 5 ft. for the ease of people passing on the trail. Mr. Austin stated another potential condition might be the trail path be dedicated via easement to the town where it is understood that until such time as the town had the desire or mandate to maintain it, the HOA maintains it. Mr. Ring agreed. Mr. Austin stated the cistern easement's general compliance with the subdivision regulations, and requested the applicant coordinate with the assessing department on the final iteration to work in the spirit of compromise. Mr. Ring stated the applicant agreed to the 6 ft. trail, and if board required, would be paved with 2" of asphalt but the preference would be 6" of crushed gravel on top of 8" of bank run gravel and slope it so it heads downstream.

 Mr. Baskerville turned the meeting over to public comment at 8:06 pm.

Brad Russ, 2 Whittaker Drive, stated his appreciation regarding the comments of the impact to residents being a consideration. Mr. Russ stated he prefers the cul de sac approach and doesn't see any public safety issues and requests the board grant the waiver and approve this project.

Roy Byrnes, 2 Hillcrest Drive, stated he is an engineer at the Seabrook Nuclear Power Plant and reviewed the design package and questioned if the opinions of the DPW, Fire Chief, and Police Chief have been sent out to check their facts and figures. Mr. Baskerville explained the town's department heads and are the town experts so he doesn't feel it requires being sent out for a secondary review. Mr. Byrnes stated he prefers the cul de sac.

Don Graves, 5 Hillcrest Drive, encouraged the board to make a decision on the cul de sac extension. As the master plan has been discussed, the planning board deals with finite specifics, particularly the property line between Mr. Grave's property and the abutter and the through road. Mr. Graves stated he spent 30 minutes speaking with Chief John Scippa and the key word that came out of the conversation was "convenience". Mr. Graves stated he would rather see the cruisers go down the road, make a 180 degree turn and come back out for twice the amount of surveillance by the police. Mr. Graves strongly supports the cul de sac.

Elizabeth Brockelbank, 110 High Street, stated the Sullivan's are requesting a waiver for utilities coming from High Street and questioned if the utilities would be above ground or underground. Mr. Ring stated a waiver is not required for utility locations and the utilities would be underground. Ms. Brockelbank questioned the reasons for putting the utilities off of High Street as opposed to just connecting to the existing utilities on Whittaker. Mr. Ring stated the concern is that Unitil may want to upgrade the services on Whittaker to install a new line for the new cul de sac and, if that's the preference, then that is where it will go. Mr. Ring explained the technology may have improved too much in the last 20-30 years and Unitil will want to replace all the conduit and wire to get to the new cul de sac. Ms. Brockelbank asked the board if they choose to approve the plan tonight is that also approving the number of lots, the irregular shaped lots, or are the number of lots and shapes of the lots subject for a different discussion. Mr. Baskerville stated the approval of the subdivision plan will be in its entirety and the board can add comments as to what is on the plan. Ms. Brockelbank explained there have been comments in the past year from abutters concerned with the number of lots and the irregular shapes to meet the two acre minimum and hopes the board takes that into consideration. Ms. Brockelbank stated the cistern would be located right next to her property, their driveway goes over the Sullivan property, which has been barricaded by concrete blocks in the last two years, and the Sullivan's have refused any negotiation with the Brockelbanks to use or maintain that land as they have in the last 11 years. As the property owners, they have maintained that land and driveway for the last 40+/- years. Ms. Brockelbank voiced concern with having the cistern and utilities right next to her property. Ms. Brockelbank would like to improve their driveway and asked the Sullivans to work with them to fix the driveway situation. Attorney Baum explained there is a boundary line dispute and is not applicable to this approval, and he would be happy to discuss it with the Brockelbank's outside the planning board. Ms. Brockelbank reiterated her concerns to Attorney Baum. Mr. Roseen stated the board should consider this as an order of conditions to help resolve this issue. The Brockelbanks have been trying to bring this to resolution for a couple of years now with the Sullivans with no resolution. Mr. Austin stated the board has no authority to fix a property dispute. Mr. Baskerville stated this is a private issue and asked Attorney Baum for clarification. Attorney Baum explained there is a boundary line dispute. The Brockelbank's driveway splits at the end and goes onto the Sullivan property. Attorney Baum explained this is a civil matter and does not relate to the approval tonight or is it within the jurisdiction of the board. Attorney Baum explained the applicant has made some attempts to resolve the issue but they are not on the same page for resolution and has dispute with the statement that there have been no attempts and an unwillingness to resolve this issue. Mr. Baskerville stated they need to move forward with public discussion, move to board discussion and create a long list of conditions of approval that could need discussion and suggested the application be postponed for two-four weeks so the "I"s are dotted and "T"s are crossed and receive a letter from staff documenting everything. Mr. Austin stated the driveway nor the drain line have anything to do with the subdivision application, insofar as the line the two inconsistencies exist have existed for as long as the property itself. Mr. Canada agreed with Mr. Baskerville that the application will not be wrapped up tonight.

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Darrin Brockelbank, 110 High Street, stated the lot sizes are getting swept aside because of all the waivers and other matters with this application, and it needs to be discussed. Mr. Brockelbank questioned if the lots sizes are reduced would some of the current issues be resolved. Mr. Baskerville stated the board has spent a lot of time on lot shapes over the years, the board looks at the buildable area in front of each lot to see if it is buildable. There is no recommendation from staff suggesting it is not buildable, and there is no concern with lot

shapes for this proposed project. Mr. Houghton suggested this item be discussed at the next meeting.

Lori Zaniboni, 116 High Street, thanked the board for listening to the abutters and their reasons for not supporting the through road, and stated she supports the cul de sac.

Mr. Houghton asked for clarification from Mr. Baskerville on what the board needs for the rehearing. The board discussed what is needed before a decision can be made on the approval of this application; the board needs an estimate on the cistern, an updated set of plans that show the cistern and utilities easement, and the trail details. Mr. Austin requested clarification whether the utilities will be above ground or underground if Unitil extends off of Whittaker.

Mr. Ring confirmed the applicant grants a waiver for the 65 day clock. Mr. Houghton made a motion continue this application until March 21, 2018 meeting and reset the 65 day clock for continuation. Mr. House seconded the motion. Motion carried unanimously.

b. Site Plan and Conditional Use Permit Review Applications for proposed residential/commercial buildings with private well and on-site septic at 149 & 151 Portsmouth Avenue, Stratham, NH 03885, Map 17 Lots 39 & 40 submitted by Mark Perlowski, Perlowski Properties, LLC, P.O. Box 1137, Stratham, NH 03885.

Mr. Austin stated the project is the Town Center Zoning District and because of the timing of the application it was submitted under the revised language, which requires a complete Site Plan and Conditional Use Permit package go before the TRC for review and then to the planning board to stay within the statutory parameters for Site Plan Review. Staff stated the only item the planning board is considering tonight are the items from the town center zoning which are the proposed five (5) waivers. Mr. Austin explained the planning board needs to act on those waivers and upon acceptance or approval of those five (5) waivers the project is approved as submitted. The five waivers are: Street trees along Portsmouth Avenue; Street lights along Portsmouth Avenue; Sidewalk along Portsmouth Avenue; Parking in front of a structure; and Proposed vinyl siding where the regulations stipulate wood or cementitious board.

Mr. Austin stated the applicant is proposing a right of way to the rear of the property. After the TRC meeting, although not required by statute or regulation, the engineer took it upon himself to include all of the suggestions from TRC which are in the second package before the board. These suggestions include: specifying that there is a retaining wall that extends to the left towards the circle; a driveway shift and detail oriented elements.

Joseph Nichols, Beals Associates, representing Perlowski Properties, introduced Mark Perlowski. Mr. Nichols explained 149 & 151 Portsmouth Avenue went before the TRC on February 27, 2018. The applicant took those comments and made the changes suggested by the TRC. One of the items was the traffic flow pattern around the town hall, which was changed to one-way, and some additional signage for traffic was added. The entrance location was close to the Stratham Market and was shifted toward the circle a little further to gain better sight distance, as well as allow more travel time for parking spaces in front of Unit #2. The width of the access point into the Stratham Market was originally 16 ft. and has been increased to the edge of the original pavement of Stratham Market to 27 ft. for better through way connectivity from the Stratham Market property to Perlowski properties. A sidewalk has

been added in front of the Old Town Hall building and a bark mulch path that connects to the 291 292 abutting property into the Stratham Market side. The width of the pavement has been reduced to the left of Building #1 and the architectural plans have been updated to show the retaining 293 walls. The landscaping plan was hard to read, needed title block and a stamp so it was 294 incorporated that into the landscape, parking, and lighting plan. Mr. Nichols explained 295 waivers are requested but Mr. Austin did not mention the waiver to landscape architect stamp 296 the plans, but a local Stratham designer was hired to do the plan. Mr. Austin explained to the 297 298 board that the landscaping materials are consistent with the Town Center guidelines. Mr. Nichols explained the waivers to the board which Mr. Austin mentioned. Parking moved 299 from in front of the Old Town hall and green space and new parking locations for the Old 300 301 Town Hall building and Unit #2 were added. The building layout has the entrance to face Portsmouth Avenue and tenants would rather enter from the front of the building closer 302 proximity as opposed to the side and rear. The safety issues regarding the existing driveway 303 between the properties and the original house driveway was in proximity to the proposed 304 305 location has been changed due to inappropriate site distances, drivers cutting from Stratham Market and that safety issue is resolved. The sidewalk, lighting, and street trees waivers are 306 requested due to the unique property and the shape of the property where drainage and septic 307 limits the site. Internal sidewalks have been added. Mr. Baskerville asked for clarification of 308 what will be in the proposed units. Mr. Nichols stated Unit #1 will have a commercial kitchen 309 cabinet showroom and office space on first floor and the second floor will be residential; Unit 310 #2 will have residential on both floors; and the Old Town Hall will be converted over for 311 apartments. Mr. Baskerville asked about the "drive under storage". Mr. Nichols explained 312 that is basement level access for storage of the office space. Mr. Nichols explained the 313 314 hardships for the sidewalk and trees with regard to the overhead powerlines. Mr. Nichols explained a 60 ft. right of way easement to the rear of the property will be given for future 315 access of a possible Main Street. Mr. Baskerville questioned if the 60 ft. right of way exists 316 along the Market Place property. Mr. Nichols stated no and explained this location limits the 317 318 amount of wetland impact and the number of parcels this would cut through, key components of wetlands, high sensitive areas and to minimize wetlands and abutters this would effect. Mr. 319 320 Austin stated this is functionally the Winnicutt four-way intersection manifesting through. Mr. Austin understands that all of the property owners shown, other than the post office 321 322 property, are in agreement with this plan. Mr. Nichols has emails and correspondence from some of the abutters who agree with the concept. Mr. Nichols has correspondence from Tom 323 324 Cadieux, 145 Portsmouth Avenue, and although this will not nail down easements on that property he is interested in discussing this easement. Mr. Nichols explained a 20 ft. front 325 326 easement will grant the town sleeving underneath the driveway for future street lighting if/when the town choses to put street lighting in. 327 328

Mr. Baskerville stated the parking in front of the building has potential for accidents if a vehicle is backing out and another pulls into the parking lot. Mr. Nichols stated the DOT driveway permit has been submitted and the driveway has been shifted to the left further, but because of the grade of the septic in Unit #1 it was not be able to move any more to the left because the grade would be too steep to come down. Unit #2 has not had landscaping added in front due to site distance of Stratham Market. Mr. Nichols explained that the Old Town Hall, which houses an antique business, has parking up front with a closer site distance and they have not experienced any problems. Mr. Baskerville questioned the TRC decision on the waivers. Mr. Austin stated TRC does not make decision on waivers and they did not comment on the waivers.

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Mr. House stated the buildings look the same, except for the color. Mr. Canada requested a sample of the vinyl to be used on the outside of the building. Mr. Roseen stated Ms. Cushman (Mr. Roseen was corrected that it is Rebecca Mitchell not Ms. Cushman) is concerned with sidewalk connectivity, trees, parking, etc. and feels the sidewalks are an important component to the design. Mr. House stated TRC meeting minutes, Page 3, Line 108-110, states Mr. House requested two different colors or change in façade to show the difference.

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Rebecca Mitchell, Portsmouth Avenue, stated she is in attendance to represent the Heritage Commission due to Nate Merrill's absence. The Heritage Commission's main interest is protecting the Old Town Hall and there has been no discussion this evening on that impact. Ms. Mitchell stated, speaking as a resident and someone who has gone through the Plan NH, she has a very deep interest and is an advocate for the Town Center. Ms. Mitchell is concerned with every waiver being granted and is concerned with the parking visually and safety wise. Ms. Mitchell disagreed having internal sidewalks obviates the need for street front sidewalks as people do walk that area. Mr. Austin explained the planning board's options and what is expected of them per the regulations.

Mark Edinger, Executive Vice President of O'Brien Energy, stated his business partner and owner of O'Brien Energy, who owns all the buildings at 157 & 159 Portsmouth Avenue, strongly support what Mr. Perlowski has applied for. Mr. Edinger explained there has been tremendous issue with existing the parking lot from both sides of the building and the gas pumps and creating an exit point road that travels around the back of the Perlowski properties and comes out to the front is a much safer plan than the existing exit. Mr. Edinger stated the road proposed through the property from the bank, where the traffic light is, could be a nice change for the town. Mr. Edinger stated they would be open to necessary easements to accomplish the side road option. Mr. Edinger stated the sewer and water issue, which was raised approximately five years ago and the conversation continues to hang in the air, is meaningful for all the property owners in the town center and solves a lot of the current problems. Mr. Edinger stated he approves of granting all the waivers because he believes Mr. Perlowski is going to do the right thing. Mr. Austin asked if the board thought it reasonable to have a traffic engineer evaluate the parking/ingress-egress conflict point. Mr. Houghton stated his concern with Unit #2 being pushed back with the parking in front and doesn't represent the spirit of what has been advocated through the Plan NH and Town Center vision. Mr. Houghton questioned if any potential alternatives that have been explored. Mr. Houghton requested samples of the materials to be used on the outside of the building. Sidewalks are part of the vision and provisions have been put in place that states they do not need to be built at the time of development. Mr. Houghton stated approval of the proposal. Mr. Austin explained that Subaru chose when the sidewalk was installed. One thing to consider would be to sketch out potential future phases for if/when the road goes in and where might conceptual buildings be as a Phase II, and with Phase II propose putting in the street improvements. Mr. Baskerville stated he is in favor of the plan but has concern regarding the parking in front and would like the applicant to see if it can be flipped with the building moved up and the parking put behind it. Ms. Mitchell stated the Heritage Commission had a preliminary look at the plans and there was a display area outside and in the front side of Unit #1, and there were concerns expressed about that. Mr. Austin and Mr. Nichols explained the display area is gone and it is now incorporated as a landscape feature. Mark Perlowski, 18 yr. Stratham resident and custom home builder in town, explained every possible option was looked at with regard to the parking in front of the building. Mr. Perlowski explained the Unit #2 is set back due to the traffic on Rt. 33 and being a residential facility trying to buffer the noise was a factor. Mr.

Perlowski explained the options that were looked at and stated this plan is the best plan they could come up with to fit the two buildings, the size of the parking, and all the restrictions that this site has with regard to septic and water. Mr. House questioned if the driveway could be moved to the left to line up with the other to help with the safety concerns. Mr. Nichols explained that was looked at and there is too much grade and was moved as far to the left as is possible. Mr. Perlowski explained the siding was chosen for the maintenance free factors. Mr. Roseen stated his approval with the proposed plan but stated there are some items which need to be a partial compromise. Mr. Austin requested the planning board review 3.9, Town Center Guidelines, with the plans used as reference between now and the next meeting.

Mr. Houghton made a motion to continue the application to March 21, 2018 meeting. Mr. Roseen seconded the motion. Motion carried unanimously.

4. Miscellaneous

 Mr. Austin stated the Board of Selectmen authorized moving forward with the contract for the Master Plan re-write and now is the time to decide which member(s) would like to be part of the ad hoc steering committee. Mr. Austin explained meetings will be held monthly, not weekly, and 1-2 hours per month. Mr. Roseen volunteered to be on the Steering Committee.

5. Adjournment.

Mr. House made a motion to adjourn the meeting at 9:39 pm. Mr. Houghton seconded the motion. Motion carried unanimously.