

**Kingston Planning Board
Public Hearing
February 17, 2015**

The Chairman called the meeting to order at 6:49; there were no challenges to the validity of the meeting.

Members in Attendance:

Richard Wilson, Chair	Adam Pope
Glenn Coppelman, V. Chair	Peter Coffin
Ernie Landry	Stan Shalett
Mark Heitz, BOS rep.	Carol Croteau, Alternate

Members Absent: Rich St. Hilaire, Alternate

Also in Attendance: Glenn Greenwood, Planner; Dennis Quintal, Town Engineer; Ellen Faulconer, Administrative Assistant/Board Alternate

**SPE Real Estate, LLC
185 South Main Street
Newton, NH 03848**

**Property Location:
34 Route 125
Kingston, NH
Tax Map R2 Lot 13**

The Chairman announced that the applicant had requested a continuance to the next public hearing.

MM&S to continue the hearing to March 17, 2015 at 6:45. (Motion by Mr. Coppelman, second by Mr. Coffin) **PUNA**

Board Business

- McKen Notice of Decision signed by the Chairman
- Invoice for 18 Dorre Road review received; approved by the Board and signed by the Chairman
- Request from Brox for a 12 month extension as approval expires April 22, 2015 which was two years from the court decision date; the request is an extension of the approval of a concrete plant with the new deadline being April 22, 2016. Mr. Greenwood stated that it is within the Board's purview.

MM&S to grant a 12 month extension for the Brox concrete plant approval; the new deadline being April 22, 2016. (Motion by Mr. Heitz, second by Mr. Pope) **PUNA**

- Letter from DES re: MtBE testing and associated meeting explained by Ms. Faulconer
- Bond list reviewed
- Pending enforcement requests were reviewed; Mr. Heitz explained that the Board of Selectmen hadn't met to review them yet due to the multiple snow storms.
- The "Riggins Rules" – suggested protocols for public hearings was handed out for the Board to review.
- Updated Aquifer Protection Ordinance distributed; Ms. Faulconer explained that there was a reference dating back to the "old" ordinance book that needed to be corrected for the new numbering.

Fitzgerald-Boyd Law
15 Garden Road
Plaistow, NH 03865

Property:
Jason Rego
27 Jericho Drive
Tax Map R5 Lot 8-30

Tim Lavelle explained that he was representing Montana Realty Trust and Jason Rego in subdividing the existing piece of property into two lots; there has been a long history with the property including wetland filling that took place. He stated that he believed that they have addressed all the issues; the court sent them back to address a few remaining items and they have revised the plan and changed the 4000 sq. ft. receiving area to meet the setbacks; a third sheet shows how they can re-grade the lot. He added that he believed he has addressed all the issues; everyone has seen the plan; he believes that it meets the criteria for subdivision.

Mr. Greenwood provided the Board with Attorney Loughlin's letter from November; he announced that he had received a new report from Mike Cuomo of Rockingham County Conservation District this afternoon and had attached a copy of that report to his comments to the Board for this evening. Mr. Lavelle noted that he had not received a copy of this prior to the meeting; Mr. Greenwood reiterated that he had received it at 3 that afternoon; he gave Mr. Lavelle a copy of the report. Mr. Quintal said he emailed a copy of his report to Mr. Lavelle on Friday but he had also emailed to the Planning Board and that had not received it; he emailed it again today. As Mr. Lavelle read Mr. Cuomo's report, he stated that he did not know what some of the comments meant, adding that a lot of the items had been addressed. He cited comment "e" that says that the 4000 sq. ft. receiving area is within the 100 ft. protective well radius of the existing well; Mr. Lavelle agreed with his comments adding that he could show a proposed well so the 4000 sq. ft. receiving area and well can fit on this lot. Mr. Lavelle said that as far as deducting the 15% soils, the rules say that the Planning Board can require more area; he said that the letter hits on things he said before and doesn't know why Mr. Cuomo says the setbacks aren't met. Mr. Lavelle said that on page 3, they can show they could meet 60,000 square feet without the 15% slopes; if going through the plan to look for small areas

where the contour is 15% that aren't in an area in a soil that is classified as a soil that is over 15%, then the soils aren't being judged properly and they are being micro-managed; when there is a tiny area here or there that may or may not be at 15%. He believed this was nit-picking; to say that the 4000 sq. ft. area is actually 3390 sq. ft. is for the existing property is bringing up new things here. He re-iterated that he felt they met the criteria for the subdivision. Mr. Lavelle stated that he didn't think that Mr. Cuomo was answering the question that the Board has asked him and continues to find fault with the plan.

Mr. Quintal reviewed his comments that he had prepared for the Board's hearing. His first comment pertains to the 15% slope requirements; the plan does not show the previous wetland fill on Lot 30-1 indicated on the previous plan dated Dec. 31st; the area of continuous upland must be suitable for non-buildable according to USDA SCS Interpretation sheets and less than a 15% natural slope. He explained that a 15% slope is if the distance between 2 foot contour lines is equal to or less than 13.3 feet, the natural slope is steeper than 15%; so any place on the plan where the contour lines are very close together gives you a 15% slope and he identified that by the "pink" color shown on the plan he had marked up; there is still quite a bit of 15% slope on the lot; by subtracting the natural slope steeper than 15%, he calculates that the contiguous upland is about 50,700 sq. ft. and he believes that the plan should show a square footage of contiguous upland area on each lot without including the wetland fill and natural slopes that exceed the 15% to clearly show what is suitable for building; since this plan does not show the wetland fill and didn't identify all the 15% slopes that should be shown to allow the Planning Board to understand what is a buildable area for that lot. He continued that the 4000 sq. ft. area has a 15% slope within that as well.

His second comment referenced the existing lot 8-30; he scanned and measured plan and finds that the receiving area is undersized at 3390 sq. ft. not the 4000 that is indicated; in addition, the 4000 sq. ft. plan is directly adjacent to the existing structure and by regulation, the septic system can't be within 15 feet of an existing basement wall with foundation drain or within 10 feet if there is no foundation drain; he continued that due to this it cannot be included in the receiving area and should be deducted from that area which would actually make it a lot less than the 3390 sq. ft.; he hypothesized that if the house was someday demolished and no longer there, he could then remove the house from the lot and he calculated there would be 3700 square feet suitable for installing a septic system according to Town rules; he concluded by saying because of this information, a qualified receiving area could not be met on this lot adding that this is his professional opinion.

Mr. Wilson clarified that both Mr. Cuomo and Mr. Quintal agree that the required 4000 sq. ft. receiving area can not be met on the existing lot.

Mr. Pope noted that both comments include that the filled area should be being counted as part of the wetland area and should not be part of the calculations.

Mr. Greenwood explained that the court will only address what was part of the decision; this is not the forum for new information; the remand is to review the ambiguous areas

that the Judge wants further information about – the septic system, the contiguous area and the reasons for contiguous uplands and the slope areas. The court decision was reviewed.

Mr. Pope asked Mr. Quintal if he could review the scientific reasons why the configuration of the uplands of the proposed lot does not meet the intent of contiguous uplands. Mr. Quintal said that while not with the Board at the time this was established, his feeling is that the contiguous uplands is an area to be utilized easily by whomever is building on the lot; if there is a narrow strip that is connecting areas that are less than vehicle traveling than he is not sure how usable it is; he stated that in this area it is toward the back of the lot so it probably won't be used. Most of the building area is on the easterly side of the lot; the area where it narrows down is probably not usable; the intent was to have 60,000 sq. ft. of usable area and if looking at it from that point of view, this lot would not comply. He added that it is a judgment call and it is pretty difficult to say that, when looking at the health and safety and regulations for building today on areas such as this that when the regulations require 60,000 sq. ft.; the question then becomes is 50,000 enough, is 40,000 enough, is 30,000 enough to build a house and have a septic system and well and have all health and safety issues met.

Mr. Pope asked Mr. Quintal to review what factors determine the 60,000 sq. ft. requirements for contiguous uplands; asking him to expand on the health and safety factors. Mr. Quintal stated that the intent of the regulation, although clarifying that he wasn't involved when the regulation was written, was to have a lot size to have a house, outbuildings, agricultural/residential use; have a well, septic and have areas where you are not going to be negatively impacting sensitive areas like wetlands and areas near wetlands. The intent of the Boards that wrote these rules was to have a rural area with areas ample enough to provide enough space for building and associated recreation within a lot without impacting the Town right-of-way or sensitive areas like wetlands.

Mr. Pope confirmed with Mr. Quintal that the narrow section connecting the two areas is next to the road. Mr. Quintal explained that the area narrowed right up to the road; the property owner couldn't technically walk on the property very easily across that strip without walking on the Town right-of-way; so while it "technically" is contiguous, which is touched on in the court review, he does not think it fulfills the original intent and thought process for the contiguous 60,000 sq. ft. of usable land. He pointed out the narrow strip.

Mr. Coffin asked if the Board felt it necessary to say that it does not meet the intent but not contest the Court's point of the definition. Ms. Faulconer said that the Board would still need to contest the issue as it was the intent being questioned; the intent was to have property owners accessing the entire envelope without impacting wetlands, without leaving the site to get to the rest of the envelope; she said that in order to bring a lawnmower to mow your own lawn you would either have to fill wetlands to do it or you are bringing your lawnmower over on a Town road just to get to your property; the full 60,000 envelope is to provide all the services that someone would need for a building lot; the contiguous aspect is so there is not 30,000 in one area and 30,000 in another area so

all the activities a home would need is in one contiguous area and not disturb wetlands, neighbor properties or using a Town road for access. Mr. Coffin stated that is must all be usable. Mr. Wilson stated the requirements for septic systems as well. Mr. Quintal explained that a full 4,000 sq. ft. is to be shown for possible replacement systems that meet the setback requirements if the original fails. Mr. Quintal noted Mr. Cuomo's reference is to show the setbacks from the original edge of wetlands. Mr. Heitz stated that part of the filling of the wetlands agreement was that a benefit could not be derived by the illegal filling; if allowed to take the measurements from the filled wetland and the only way to meet the setback requirement was to not use that, then a benefit would be achieved from the illegal fill. Mr. Quintal confirmed that State law does not allow filling wetlands to create setbacks for building or septic systems. He was unaware of any timeframes allowing someone to fill a wetland and not count it. He believes that is Mr. Cuomo's point in his comments; saying that the setback that should be shown on the plan should be from where the original wetland line was as you are not supposed to use filled land as a starting point for measuring from the setbacks.

Mr. Pope said that this is consistent feedback from both Mr. Cuomo and Mr. Quintal. He asked to talk about this issue; he returned to the court's comments and point number 4 which was the 4000 sq. ft. receiving area can not be met on the original lot. Mr. Lavelle said that they measured from the original wetlands for the original lot and he tried to err on the side of caution; the area was reflagged and he feels that the 4000 sq. ft. receiving area is there for the existing dwelling and to say that now it isn't means the Town is contradicting themselves; the Town wouldn't let them pull a permit for the east side of the lot. He added that as far as showing the septic system meeting the setbacks from the filled wetlands, he can do that. He said that he can't show a setback from the filled wetlands on the plan because he has to show the existing conditions as they are today; he added that in their opinion, the filled wetlands is a non-issue but if it is something that would make the Board happy to show the 4000 sq. ft. receiving area moved away from that filled wetland and show everything can be met that is a plan that he can come back with; he said that it is not a hard thing to do stating that the house can be moved and the 4000 ft. area can be moved to meet the requirements. He explained the State's 4000 sq. ft. requirement and that most Town's have adopted those rules; there plenty of room in this area for a replacement system if needed; that is the same on the other side of the lot. He added that, in reference to the 60,000 sq. ft. requirement, another reason for that is for how things are going to drain, allowing water to get back into the ground and things like that, so as far as being separated by a foot or poorly drained soil, water recharge, etc. is allowed to take place. He doesn't think it has anything to do with mowing a lawn. He repeated that the regulations don't require that all of the 15% slopes have to be removed and the court agreed with that and asked for an engineering reason for them to be removed and asked why the Planning Board would decide there needed to be more area; he asked the Board to try to imagine how long it would take someone to try to show all of the 15% slopes all over the plan especially if doing a 6 or 8 or 10 lot subdivision; he said the soils are classified, they are given a general slope; there are inclusions; things are a general slope; everything can be changed. He continued that this was why they added the addendum third sheet which is just for the Planning Board and really isn't intended to be a construction plan to show that the bulk of the 15% slope which is a large gravel hill

which would have to be removed to make the house sit on the lot aesthetically. Mr. Lavelle added that once construction was done, the lot will be flat.

Mr. Wilson asked to clarify a statement Mr. Lavelle made; he said that during the original review, the Board found previous records regarding the filled wetlands and setback requirements and that is why Mr. Cuomo is basing his comments on that original spot and why the plan had shown that setback; he re-iterated Mr. Heitz's comment about not receiving benefit from that action. Mr. Lavelle said that they went out with a backhoe and dug around and found the edge of wetland and that was what was shown on the previous plan; the plan showed the previously filled wetlands adding that they can't call it "wetlands" as there is not 15 feet of gravel now in that spot; the building setback is 75 feet and the septic is 100 ft. from that filled wetland. Mr. Lavelle stated that this was shown on the addendum plan but it is not part of the submitted plan. He said that he can show that the lot makes the requirement and they are not gaining a lot because of the fill. Mr. Heitz asked Mr. Lavelle that, in his opinion, before the wetlands were filled, the lot would have been sub-dividable. Mr. Lavelle answered that yes, it would have been a viable lot; he explained that he thinks that the amount of wetland that he showed is over what is originally tried to be determined in 1989/1990. Mr. Quintal said that he wasn't around for the original subdivision but the Planning Board reviewed it at the time and it didn't meet the requirements and some of the reasons had been brought up at the previous meetings. Ms. Faulconer said that the original submission proposes this lot as subdivided but the final plan does not have this subdivided as it didn't meet the requirements. Mr. Lavelle said that he was not here to discuss that.

He said that he can show that they meet the requirements; they stand on their ground that it does not say 15% needs to be removed from the calculations so the lot meets the requirements today and they are willing to re-grade the lot and it meets all the requirements for subdivision. He said to review an existing 4000 area on the existing lot and that the well is too close to the receiving area is "nit-picking". He said that he has shown a possible new well. Mr. Coffin said that the 10 foot setback from the building (shown in "green" on Mr. Quintal's plan) is a minimum requirement and the calculations do not meet the requirements. Mr. Lavelle said that he respectfully disagrees with Mr. Quintal's opinion; Mr. Quintal stated that he is only going by the submitted plan adding that if the plan was incorrectly designed than it should be corrected. Mr. Coffin said that it was math, not an opinion-thing. Mr. Lavelle said that he has the math, Mr. Quintal is only going by the plan; he suggested sending Mr. Quintal an auto-cad drawing so that he can scale it out himself; stating that there is a 4000 sq. ft. receiving area on the lot. Mr. Heitz asked if Mr. Lavelle believed that it is 4000 sq. ft. even with the placement of the building and the 10 ft. requirement. Mr. Lavelle said that it is adding that it is a little "gerrymandered" and it goes out to a point and so forth on either end which is not shown on the plan but he thinks they can make it pass. Mr. Coppelman asked Mr. Lavelle to confirm that he said that he thinks "he can make it pass". Mr. Lavelle said he calculated it at 4000 sq. ft. and he will send Mr. Quintal the plan that does this.

Mr. Pope suggested going one by one through the issues. He noted the first issue was the 60,000 sq. ft. and the contiguous requirements and whether it meets the intent and the

scientific reasons behind the intent and he asked how the Board felt about this issue. Mr. Coffin stated that he felt that Mr. Quintal's answer about the useful area was good; the intent is to have 60,000 contiguous area to be a useful area; with a foot wide connector, you can't really use the land as land being used by a one-foot wide strip is not meeting the intent of a useful area. Mr. Greenwood stated that Mr. Coffin's comment was not enough information to provide the judge with what he needed to change his mind; the judge seems to be saying that a one-foot land bridge makes the property contiguous. Mr. Coffin said that it is not a waste of time for the Board to respond and explain the Board's intent of the requirement and let the judge decide. Mr. Heitz added that an additional reason behind the intent was to keep lots from being all types of crazy shapes as developers have a tendency to try to squeeze out as much as they possibly could out of a lot and have two or three one foot strips on a lot and still be considered 60,000 contiguous but it was crazy shaped lots where it didn't make sense for building and the intent being to have "reasonable" lots with land that could be utilized. Mr. Coppelman agreed adding that Kingston is 100% well and septic and in order to have get a building of any reasonable size and well and septic with proper separation for health and safety reasons and just general utilization of the lot, the previous Board when introducing this requirement, felt that this was an issue. Mr. Coppelman continued that allow this particular piece with two knobs and a little land bridge in between might technically meet the definition, he does not believe it meets the spirit and intent nor the intent of how the developed piece of the land is to be utilized. Mr. Wilson agreed that the Board should respond to the judge that the proposal does not create a usable, utilized area and respond with the reasons discussed this evening.

Mr. Pope went to the next issue which was the 15% which the Board had not specifically spoken too much about. He asked Mr. Quintal why the Board would consider requesting more than the 60,000 sq. ft. when there are areas of 15%. Mr. Quintal again noted that the requirements were put together a number of years ago when he was not involved with the Board; he continued that there are a lot of areas that have steep slopes and there were issues with some of the projects that might have been approved prior to the requirements. He continued that when the regulations refer to meeting a suitable building area according to USDA SCS interpretative sheets at less than 15% natural slope, in looking up that information, it was the opinion that 15% slopes were very difficult to build on and needed to have quite a bit of cuts and fills and moving of material in order to get an area that is usable; he said that in a case like this he believes that the regulation is left to the interpretation of the Board is because there are some lots/properties that, with the equipment available now, that considerable amounts of cuts and fills and leveling and re-grading might make areas that are usable and buildable; it is an interpretation of the regulation that the Board would need to look at and in situations like this, the plan should show not just a sample of what could be cut and graded but if trying to meet the 60,000 sq. ft. contiguous regulation that is less than 15% than the plan should show the area with the 15% minimized as much as possible. He stated that this was not nit-picking as the contours are there on the property and the Board has to go by the submitted plan. He stated that by reviewing the plan that was submitted there were a number of areas that were steeper than 15% and whether it is 50,000 sq. ft. or 40,000 sq. ft. or less, it should be shown on each lot on a plan before the Board can make a final decision regarding

what area on that lot can be made contiguous, non-wetlands and less than 15%. Mr. Quintal said that it would provide the Planning Board with the information to determine if it is “enough”; clarify if it is 20,000, 25,000, 30,000. He said that with today’s equipment there are areas that could be re-graded but it would need to be determined if it was the best utilization of the lot with the grading and drainage and how much of an impact to the wetland this would have would need to be reviewed by the Conservation Commission; he noted that a lot of this work would need to occur within the Wetland Buffer Zone and this could have an impact to the Wetland and these types of items would need input from the Conservation Commission. Mr. Quintal continued that re-grading this close to wetlands could be an impact to wetlands and would need an interpretation by other Departments of the Town. Mr. Wilson said that Mr. Quintal’s comments were beneficial and this could allow Mr. Lavelle the opportunity to show whether he could re-grade and what is going to be re-graded; it also would help determine if any other permits such as gravel or excavation might be required; he told Mr. Lavelle that this would mean he could come back with another plan showing what he is going to grade to get rid of the 15% slopes. Mr. Lavelle said that he did bring that type of plan in, sheet #3. Mr. Quintal said that the plan shows some cutting and filling but there is still quite a bit of 15% slope and the question remains to show what is the total square footage that is not 15%, what is the area of the lot that is not 15% and not filled wetland; the Board needs this to get a better idea of usable land that was not filled wetland that is not steeper than 15%; the question remains is it 50,000 sq. ft., 40,000 or some other number. He stated that the Board could look at the actual amount to determine if that is the intent and meets the requirement to make it a usable lot and meet the spirit and intent of the subdivided lot.

Mr. Lavelle said that he can do a better job of showing grading to meet 60,000 sq. ft. and under the 15% even though the Board hasn’t said this is a requirement yet. Board members questioned this comment. He re-iterated that the rule does not say that you have to remove the 15%; it says that in cases, you may require more area.

Mr. Pope said as a suggestion to what he comes back with, the plan should show which 15% grades, as shown on the current plan, are being removed; the question is to get the 60,000 sq. ft., how much of that is still 15% or greater. He would like to see the specifics of what is being removed from the “buildable” side of the lot. Mr. Lavelle said that they could do this. Mr. Pope clarified that he wanted to know the area of slope 15% or great that is included in the 60,000 sq. ft after showing the areas that are proposed to be re-graded. Mr. Lavelle re-iterated that this could be done and they would probably put on a different scale to be seen a little easier. Mr. Lavelle suggested knocking the hill down before returning to the Board and “re-topo-ing” it. Mr. Wilson said that the Board wanted to see the proposal prior to his client actually doing it; permits might be required. Mr. Pope told him not to do that; show it on the plan; re-iterating that the client should not alter the site before the Board reviewed the plan. Excavation permitting processes were reviewed. Mr. Lavelle will bring in an updated plan.

Mr. Pope said that, based on the Board’s discussion regarding the nature of the property and the 15% and re-grading, whether or not that re-grading could be done and its impact on the wetland. He said that with the Board’s opinion that the lot does not meet the intent

of the 60,000 contiguous requirement and getting the equipment to do this around the property and any possible impact; the question to the applicant would be to answer, after showing the re-graded lot, whether there will be any wetland impacts to do the re-grading. Mr. Lavelle said absolutely not. Mr. Pope said to show that on the plan and give an explanation as to how it won't impact the wetland.

Mr. Pope moved on to address the 4,000 sq. ft. receiving area. He stated that the receiving area needs to show that it meets setbacks from the original wetlands; that should be shown on the plan. He added that the Board needed more detail on the 4,000 sq. ft. area on the existing lot as discussed earlier by sending the AutoCAD file to Mr. Quintal which will help with the process. Mr. Lavelle agreed to do that.

Mr. Greenwood questioned Mr. Lavelle's comments on not understanding Mr. Cuomo's concern on the setback and explained that his understanding was that Mr. Cuomo's concern was seeing on the proposed new lot how the former wetland line might impact the setback of the septic system; he suggested that Mr. Lavelle might contact him directly to clarify the comments. Mr. Greenwood explained that Mr. Cuomo is very clearly under the belief that if you take the setback line from the pre-filled position, it doesn't meet the Town standards. Mr. Heitz asked if Mr. Lavelle believed he could meet the setbacks by going from the original edge of wetlands. Mr. Lavelle said he could. Mr. Heitz said that a line on the plan could show and be labeled "original edge of wetlands" thus distinguishing it from wetlands. Mr. Lavelle said he could and add it to the grading plan or do a fourth sheet. Mr. Lavelle was given permission to speak directly with Mr. Cuomo; Mr. Greenwood will contact Mr. Cuomo to authorize this. Mr. Lavelle said he actually did understand Mr. Cuomo's comments and didn't need to speak with him.

Mr. Pope said that based on the history of the property and previous agreements, the setback from the original setback will need to show on any recorded plan; it was a stipulation. Mr. Coppelman stated that it is a baseline, a foundation point for anything for the lot and it should show otherwise it will be confusing for anything going forward. Mr. Pope added that that was the setback that the Board originally looked at and it should be on the plan. Mr. Lavelle disagreed; he stated it is not a wetland any more. Mr. Heitz said that it could be shown and labeled as filled wetland but it needs to be clearly shown as where it was; Mr. Coppelman suggested showing it as the "pre-filled" condition. Mr. Heitz stated that adding it to the plan shouldn't be an issue for Mr. Lavelle as he had told the Board that the requirements and setbacks can still be met. Mr. Lavelle said he would as long as it didn't open a question of other items regarding a filled wetland. Mr. Heitz said that only problem it will create if in fact the setbacks can't be met from the original line. Mr. Pope re-iterated that it needs to be shown on the plan as the setback line; it does set a limitation. Mr. Coffin said that the existing lot still hasn't shown that it can meet the 4000 sq. ft. receiving area requirement; questions remain concerning the setbacks on the new lot; this is a pending court issue still and hasn't been shown to be met. Mr. Lavelle stated that he will gladly revise things.

Public comments –

Theresa Rudnock, abutter, asked where the plan information will come from regarding the original wetlands. Mr. Wilson said the information will come from historical data.

Mr. Lavelle was told that he needed to submit new plans by March 2nd to be on the March agenda; the Board approved his contacting Mr. Quintal and Mr. Cuomo.

Mr. Pope confirmed with the Board and Mr. Lavelle that the list of actions was clear regarding changes to come back upon continuance of the hearing.

MM&S to continue to March 17, 2015 at 7:00 PM. (Motion by Mr. Pope, second by Mr. Coffin) **PUNA**

Board Business, continued

Correspondence:

- Ms. Faulconer briefly reviewed a webinar for Local Regulation of Agriculture; she will make copies for the Board to review after the election.
- Procedures for Zoning Issues when a request comes from a State or Federal agency was reviewed; In-home occupation requirements were reviewed; Mr. Coppelman clarified that under normal circumstances, it is a self-policing thing that the Board does not approve. Mr. Greenwood added that when an agency wants a Board decision, it is the Board that makes the decision not himself or Ms. Faulconer. Previous decisions were reviewed.
The Board confirmed that its policy is that if a request for zoning clarification requires an answer/decision from the Planning Board, then the Board needs to review and make the decision.
- Request for dealer permit for Federal Firearms permit for Mark Heitz at Hunt Road; the Board reviewed the proposal in relation to the Residential In-home occupation ordinance; Mr. Heitz stated that people coming to the property would be minimal; previous reviews were discussed. By Board consensus, Ms. Faulconer will contact ATF that the Board confirmed that the proposal meets current zoning.

MM&S to approve January 20, 2015 minutes as written. (Motion by Mr. Coppelman, second by Mr. Coffin) **Motion passes 4-0-3** with Mr. Wilson, Mr. Pope and Mr. Heitz abstaining.

Plan Review

- Boundary line adjustment (Trendezza) added to agenda
- Kalil site plan added to agenda

Mr. Wilson stated that currently there is nothing on the March 3rd agenda and if nothing came forward, it might be cancelled.

MM&S to adjourn at 8:45. (Motion by Mr. Pope, second by Mr. Coppelman) **PUNA**