

Kingston Planning Board

September 21, 2021

Public Hearing Minutes

Mr. Coppelman called the hearing to order at 6:30 PM; there were no challenges to the legality of the hearing.

Members present:

Glenn Coppelman, Chair
Robin Duguay
Richard Wilson, BOS rep.
Steve Padfield, alternate

Peter Coffin
Chris Bashaw
Peter Bakie
Ellen Faulconer, alternate/admin. asst.

Members Absent: Lynne Merrill

Also present: Glenn Greenwood, Town Planner; Dennis Quintal, Town Engineer

Mr. Coppelman introduced the Board. He announced that Mr. Padfield would be a voting member this evening due to Ms. Merrill's absence.

Mr. Coppelman noted the Board's new posted procedure regarding the meeting's time constraints.

Board Business

Correspondence:

- 266 Rte. 125 letter received requesting approval for seasonal storage at the existing location; Mr. Greenwood said it is a straight-forward request; Mr. Coppelman stated that the current site plan approval is for warehousing and distribution; Mr. Greenwood added it has been this use for years.

MM&S that no further review is required by the Planning Board per the information provided in the letter to the Board. (Motion by Mr. Bashaw, second by Mr. Padfield) **PUNA** Mr. Coppelman added that a letter referencing the motion will be sent to the applicant.

- 160 Main Street – email received from Heidi Corson, owner of Down to Earth Garden Shop requesting approval for an expansion for classes at 160 Main Street once vacated by the current tenant. Ms. Faulconer noted that the letter had been forwarded twice to the Chair of the HDC per the request of Ms. Corson but there had been no acknowledgement from the HDC.

MM&S that no further review is required by the Planning Board per the information in the email dated 9/9/21; a sign application needs review by the HDC. (Motion by Mr. Coffin, second by Mr. Bakie) **PUNA** Ms. Faulconer will reply to the request in writing.

- Letter received for an extension for Alternative Sales was withdrawn.

Mr. Coppelman announced that the hearings would begin at this time; Board business will be continued.

Berkshire-Dominion Holdings (AKA Saddle Up Saloon)

92 Rte. 125

Tax Map R8 Lots 40 and 40A

Charlie Zilch of SEC appeared before the Board with the property owner, Robert Waters; Bob Pagliara, business operator, was present in the audience. Mr. Zilch reviewed the outstanding remaining issues that included outside entertainment. Ms. Duguay stated that the sound tests exceeded the limits for Single Family Residences that abutted the property; she read the ordinance and the levels. Mr. Waters said that “it is what it is”. The Board reviewed the two reports from the sound engineer, Reuter and Associates; it was noted that some instances exceeded the noise levels, some didn’t. Mr. Coppelman said that there were two abutter comments that relate to outdoor activity. Mr. Zilch reviewed some of the other issues: snow storage, drainage has been addressed, outdoor seating, the floating dock.

Mr. Zilch discussed the concerns regarding the removal of the recycled asphalt product (RAP) that had initially been decided to voluntarily remove; utilizing RAP doesn’t trigger review to Shoreland unless it has been re-graded or there has been added fill; he reviewed the difference aspects of RAP stating that it is not a fully impervious surface. He suggested that alternatives to the proposed stormwater management might be possible if the Board agreed to accept the RAP. Mr. Coppelman suggested reviewing the comments.

Mr. Greenwood stated that most of the items were all set; the outside seating is approvable as it will be noted that any outside seating is subtracted by the approved indoor seating. He said that outstanding is the safety/usability of the floating dock. He added that the reports of the sound engineer had been received and there are times, when applying the Town’s ordinance that they exceed the levels; he reiterated that outstanding was: outdoor seating, use of the floating dock, outside entertainment. He confirmed that the Conditional Use Permits (CUP) are all set and were approved on June 1st.

Mr. Quintal said that most of his comments had been addressed. He reviewed his remaining comments: long-term Operation and Maintenance Procedures must be recorded in the Registry of Deeds; he suggested a Performance Guarantee be provided for all the ground work proposal with a cost estimate provided by the applicant for review and approval with a completion date provided; an engineering bond is required to cover the cost of site inspections during construction; he questioned whether the floating dock was part of the NHDES Shoreland Permit, the approval number needed to be added to the State approvals. Mr. Quintal reviewed the run-off rates of gravel and regular pavement noting that RAP was in between the two and it was not worth forcing the applicant to change it; he added that they are adding to the infiltration which is going into the basin area and any extra run-off is now going into an area to filter and detain; there needs to be no net change. Mr. Quintal noted receipt of a copy of the Dam Bureau’s letter regarding the spillway area and vegetation removal that was needed to clean up the spillway prior to October 1st. Ms. Faulconer questioned whether this would have any impact on the required buffer. Mr. Quintal agreed with Mr. Zilch that there was no need to change the recycled asphalt.

Mr. Coppelman read the Department comments. Highway: 20 parking spots are in the Rte. 125 ROW (right-of-way); question as to whether the applicant has repaired the Mill Pond Dam per the State requirements. Mr. Bashaw stated that the discussion should not that this was a request from the State. Mr. Coppelman continued read Highway’s comments: existing driveway does not meet setbacks and encroaches on the same lot; question re: whether seating capacity was correct in reference to additional outside seating; note said “no outside entertainment”, lot coverage calculations being met?; Fire: SFC Engineering is overseeing the project; Building: Signage not in compliance and there has been no change since first notice of violation; floating dock compliance concerns (see attached SFC letter) that

have not been addressed, letter from 11/25/20 was incomplete; Ice Cream window (or whatever the use) needs a building permit; upstairs issues/uses were noted; "Event" parking lot should be re-labeled as "Overflow"; (Mr. Greenwood noted it has been changed to "Additional"); should be noted clarification of use of driveway and abutter's residential use at Old Coach Road.

Mr. Coppelman read two letters from abutters: Stacy Dion, dated 8/10/21 complaining out the outside music playing loudly. Mr. Wilson stated that this was due to a Special Event permit for "Bike Night" and the business owner had confirmed that there would only be inside music. The letter continued that the activities had been no different from last summer and requested no further outside music. The second letter was from Susan and Richard Jewitt referencing outside music and the trial period approved by the BOS. An August 8th fund-raising event was noted with outside loud music from 11:35-3:35; there was a live loud rock 'n roll band, not one or two musicians; they stated that this was a restaurant and not an outdoor music venue surrounded by residences.

Public Comment: Abutter, Stacey Dion, said that she had been tracking the nights; there was outside music on Tuesday nights; she said that she keeps hearing promises that they would be lowering the volume and that hasn't happened and there is no way to use their patio with the music being so loud; they don't feel that they have been getting any help to relieve the issue as they have gone through the summer.

Board discussion: Mr. Coffin asked to hear from the BOS rep. who had been dealing with this and the Cease and Desist originally placed on the site. Mr. Wilson said that the letters were correct, the business owner told the BOS that the music for the special event would be inside and it was not and it was loud. He said that he supports the rest of the project but he will not support the outdoor music; he had supported the trial period but they had outdoor music for a bike night without approval. Mr. Coppelman suggested that the outdoor music should be a separate vote. Mr. Zilch said that they have an agreement about the parking in the State ROW and he will add that note to the plan. Mr. Coffin asked about the easement for the abutting property. Mr. Zilch will define an easement for the shared drive. Mr. Bakie asked if, as shown on p.3 or 4 of the plan, if the applicant still has to build the infiltration basin. Mr. Quintal said that it did have to be built; before when it was gravel, there was not treatment and that is a requirement. Mr. Coppelman added that it would be taking care of an existing problem. Mr. Zilch suggested that there were other ways to treat this and suggested possible changes. He questioned the possibility of amending the stormwater management after getting an approval of the plan. Mr. Coffin questioned the compaction of the grass in the seating area; Mr. Quintal stated that it had been changed to crushed stone. The Board returned to discussing the ability to approve aspects of the plan. Mr. Quintal said that at this point, the Stormwater Management has already been reviewed and designed appropriately. Ms. Faulconer noted that the Board had not received a final report from SFC. Ms. Duguay questioned whether items could be a condition of approval.

Questions regarding the use of the Floating Dock were raised. Mr. Waters stated they would like to use it as a bar unless it would only be serviceable as a service bar. Mr. Quintal questioned whether they had a state permit for the dock and questioned the State requirements. Mr. Waters said that was still being worked out with the State. Ms. Faulconer asked if the Floating Dock was currently being used for anything. Mr. Waters was unsure but asked the business owner who said that it was not currently being used for any purpose. Mr. Wilson stated that there are lit machines on the dock. Ms. Faulconer asked if electricity was involved and if there were appropriate permits. Mr. Waters was unsure if there were appropriate permits. It was noted that the number of seats being used for the dock would have to be

identified. There was discussion regarding the total number of approved seats for the site. After some discussion, Mr. Greenwood noted that there are 260 approved seats for the site and there will be a note on the plan that any seats outside will be offset from any inside seating; there will be no more than 260 seats in use on the site as the overall functional capacity is 260 seats.

Mr. Zilch suggested that the use of the Floating Dock would require State approval from DES, approval from the Fire Department and the Building Department and all outside seating will be offset by inside seating with the total amount of seating being 260. He also needed easement language and a note added regarding approved parking from the State in the State ROW. There was discussion regarding not removing the asphalt, differences between RAP and gravel, alternatives to the detention pond, parking impact, the possibility of a TRC meeting, proposing a different design for Stormwater. Mr. Coppelman said that if a different design was being proposed, the review would need to be continued. There was continued discussion regarding continuing the hearing for a proposed Stormwater Management technique. Mr. Greenwood said that the Board could vote on the music and seating separately. Ms. Duguay said that if the plan was continued, it would eliminate any outside seating or music until an approval was granted. There was Board discussion about voting for the outside seating and outside music while still continuing the review of the plan. Mr. Bakie suggested a vote on them individually; Mr. Wilson agreed that they were different issues. Mr. Wilson and Mr. Zilch confirmed that only one floating dock as shown on the plan was being proposed on the plan, not the one that had floated downstream; use of that dock would require an amended site plan.

MM&S to approve outside dining as proposed on the plan. (Motion by Mr. Wilson, second by Mr. Bashaw) Discussion on the motion: Mr. Coffin clarified that this was not a final approval for the full plan, just the outside dining use. **PUNA**

MM&S to deny outdoor entertainment except for Special Events approved by the Board of Selectmen through the Special Event permit process. (Motion by Mr. Wilson, second by Mr. Coffin) Discussion on the motion: Mr. Bashaw referenced the two sound reports reading sections from the report about the sound measurements on the dates tested that met or were very close to the limits allowed. Mr. Wilson said that other nights when music was played and did not have sound tests were well above the sound levels. Mr. Coffin added there was a perception issue; the BOS got complaints on nights that were not being measured that were louder and exceeding the levels. Ms. Duguay asked who requested the sound company. Mr. Wilson said that BOS did and they didn't check 24 hours a day every week. Mr. Waters said that there were only two instances when the ordinances were met and only one night that was over the top. Mr. Wilson reminded the applicant that the owner specifically agreed to no outside music for "bike night" and did not comply with that agreement. Ms. Faulconer stated that she felt that the motion by Mr. Wilson was a great compromise as it protects the residents while still allowing the business to apply for special events; getting a special events permit also protects the residents as they can be made aware of when the special event is held; if the music is beyond the noise limits, the Board of Selectmen certainly won't continue issuing permits if the sound is out of control. Vote on the Motion: **Motion to deny passes 5-2** with Mr. Bakie and Mr. Bashaw opposed.

Mr. Zilch will reflect the motion on the plan. He would like to re-look at the Stormwater Issue and asked for a continuance of two months; the applicant agreed to extend the "time clock" as it was their request to continue. Mr. Zilch said that he would not be asking for a TRC review.

MM&S to continue this review to 11/16/21 with new/revised plans due to the Planning Board office no later than 11/4/21 at noon. (Motion by Mr. Wilson, second by Mr. Bashaw) PUNA

<Board note: the hearing ended at 8:30; the Board took a five-minute break.>

Small Pox Realty, LLC
Small Pox Road and off Route 125
Tax Map R19 Lot 30 and 31

Mr. Coppelman began this hearing at 8:38 by reading the legal notice. Charlie Zilch, SEC and Associates, introduced Joe Wilson, the applicant, to the Board. Mr. Zilch brought the Board up to date on actions since the last hearing; he stated that there was a TRC (Technical Review Committee) meeting and they have addressed those comments with the current re-submittal; he expected that Mr. Greenwood and Mr. Quintal would recap that meeting.

Mr. Greenwood read his comments date 9/20/21:

1. due to proposed excavation in the Aquifer Protection District (APD), a CUP (Conditional Use Permit) is required and this action is still required of the Board.
2. AoT (Alteration of Terrain) permit is currently under review by NHDES
3. Per the TRC meeting, the applicant will not exceed 11 truck trips per day; this splits the number of trips allowed for the Park excavation site on the same road evenly between the two excavations; a note to this effect should be added to the plan.
4. Road Bond needs to be established – TRC determined that the bond in place for the Park excavation to be split in half between the two excavations; the present bond is approximately \$126,000.
5. The Board should require all trucks to exit to NH Rte. 125 via Small Pox Road and New Boston Road; a note indicating this should be added to the plan.
6. A reclamation bond should be considered; this was discussed at the TRC and the applicant is going to provide an estimate for Mr. Quintal to review.
7. Question regarding off-site reclamation if there is grading off the property needing Town approval.

Mr. Quintal addressed his comments noting that any previous comments that have been addressed were removed. His current comments from his review dated 9/14/21 included:

1. Compliance with RSA 155:E
2. The applicant indicates that the excavator is unknown at this time.
4. Special Exception required per RSA 155:E:4 III
6. Restoration Bond requirement; Engineering Bond required to cover the cost for site inspections during construction; Road Bond/Performance Bond/Security Bond discussion/requirements
7. Stormwater Management to be addressed per Article 908; stumps, loam or sand not located near the property lines
11. Construction Sequence specific to this project should be added to Sheet 4; Stormwater Pollution Prevention Plan copy should be provided to the Town for review and reference during construction.
12. Board should determine recording requirements
13. Provide document from Public Service allowing work in the easement
16. Staking of lot lines
17. Copy of AoT permit provided to the Town for reference during construction; approval number added to the plan.
18. Questioned compliance with Article 902 by planting of trees

Mr. Greenwood explained that the TRC determined that any damage to the road would have to be repaired and due to the activity for both excavations, agreed that the road bond should be split with ½ for this applicant and Mr. Parks. Mr. Greenwood will get the information to the Finance Officer.

Mr. Coppelman read Department comments: Highway – Road Bond to be set, discussion re: 2 active bonds on the same road, survey of road for rutting and cracking to be done by others, should note number of yards to be removed. Building – no comment; Fire – no comment. There was a letter from DES dated 8/30 requesting additional information. Mr. Coppelman read Mr. Zilch's response to DES. There was no public comment.

Board discussion: Mr. Coffin questioned whether to add a specific notation of reclamation/ replanting of trees per Mr. Quintal's comments. Mr. Bashaw said that the applicant has agreed to comply with 155:E which has the reclamation standards; the Town requirements are within 155:E. Mr. Coffin noted that the Town can add our own requirements per Article 902; Mr. Bashaw reviewed the standards being noted in 155:E and minimum standards of 155:E-5. There was discussion regarding possibly requiring plantings, Mr. Zilch noted that this lot will eventually become a single family lot and there would not be a lot of area to vegetate. Mr. Wilson added that there are not a lot of trees there now. Mr. Bakie stated that there is a lot of tree buffer on Rte. 125. Ms. Faulconer reminded the applicant that during the expected two-year timeframe of the project the ZBA approval will expire. The applicant said that he was aware of that.

Mr. Coppelman said that the waiver was all set but the Board needed to address the CUP request per Article 201.4(G). Ms. Duguay read the CUP requirements of Article 201.4(G)3 for the Board to review and vote on in determining the ability to grant the CUP:

a) the proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants; Mr. Zilch read his answer regarding the conditions dated June 23, 2021.

MM&S to affirm that the applicant has met the requirements of 201.4(G)a per the applicant's response provided both written and orally to the Board. (Motion by Mr. Bashaw, second by Mr. Wilson) PUNA

b) the proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer; Mr. Zilch read his response regarding section "b".

MM&S to affirm that the applicant has met the requirement for section (b) per the applicant's responses as provided to the Board both written and orally. (Motion by Mr. Bashaw, second by Mr. Wilson) PUNA

c) the proposed use will discharge no waste water on site other than that typically discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of toxic or hazardous wastes as herein defined; Mr. Zilch read his response regarding section "c".

MM&S to affirm that the applicant has met the requirement for section (c) per the applicant's responses as provided to the Board both written and orally. (Motion by Mr. Bashaw, second by Mr. Wilson) PUNA

d) the proposed use complies with all other applicable sections of this Article; Mr. Zilch read his responses that had been provided to the Board.

MM&S to affirm that the applicant has met the requirement for section (d) per the applicant's responses as provided to the Board both written and orally. (Motion by Mr. Bashaw, second by Mr. Wilson) **PUNA**

e) a hydrogeologic study shall be submitted for uses whose septic system is designed for more than 2,400 g.p.d. In Zone A, a study shall be submitted for any septic system designed for more than 2,000 g.p.d.

MM&S to affirm that the applicant has met the requirement for section (e) per the applicant's responses as provided to the Board both written and orally. (Motion by Mr. Bashaw, second by Mr. Wilson) **PUNA**

MM&S to grant the CUP based on the applicant meeting all sections, a through e, based on the Board affirming that all the requirements had been met. (Motion by Mr. Bashaw, second by Mr. Wilson) **PUNA**

Mr. Greenwood explained that the Board did not require a recorded plan for the previous excavation plan for Mr. Parks; there was a tri-part agreement, that is signed by the PB Chair, the BOS and the owner, that gets recorded at the Registry.

Mr. Bashaw reviewed possible conditions for an approval. The bond for the inspections was discussed; the Engineering Bond agreement will be re-worked to include this activity and be signed by the applicant with the amount of \$2500 agreed upon; Reclamation Bond of \$4000 was agreed upon as the loam in on the site and the amount is appropriate. Mr. Coppelman confirmed that the note regarding the use of Small Pox Road and Rte. 125 is on the plan. Mr. Quintal added that staking the lot lines would be a good idea and Mr. Zilch agreed to do that.

MM&S to grant a conditional approval of the site plan dated revised 09/08/21 with the following conditions:

- 1. Provide finalized AoT permit with the approval note added to the plan**
- 2. Compliance with 155:E**
- 3. Document from public service confirming ability to work in the easement**
- 4. Road Bond agreement document as agreed upon at the TRC meeting**
- 5. Agreement, in lieu of plan being recorded, signed by the owner, PB Chair, BOS that will be recorded at the Registry of Deeds at the owner's expense**
- 6. Bond for Inspections of \$2500 with paperwork signed authorizing the Engineering review; Reclamation Bond of \$4000 in compliance with RSA 155:E, the amount being set by the Planning Board as the regulator**
- 7. Stake the property lines**
- 8. Driveway permit application submitted and approved**
- 9. All waivers, permits, CUP's noted on the plan.**
- 10. Conditions to be met within 180 days from date of approval.**

Motion by Mr. Bashaw, second by Mr. Wilson **(PUNA)**

<Board note: This hearing ended at 9:28 PM>

Heidi Campbell
19 Colby Road
Tax Map R7 Lot 20-7

Mr. Coppelman read the legal notice for this hearing. Brett Allard, attorney for the applicant, addressed the Board. He reviewed the actions from the last hearing needed to amend the plan: Add Heidi's name, approved Septic Plan received, reduced the ADU by 24.5 feet, the square footage was at 882 but was now at 857 sq. ft., photos of graphic rendering were provided. He said that it will look like one building with the same gambrel-style architecture; the plan was put together so the rendering could show the vision, color and show the roof structure. Mr. Coffin stated that the ADU (Accessory Dwelling Unit) will probably want windows and that is not shown on the submission; that is the type of drawing so it will show if it looks like a house with a garage at the end or a really long garage. Mr. Allard stated that there is no longer a second floor; it will be cathedral style with windows on the first floor.

Mr. Quintal reviewed his comments that included: wetlands function analysis is incorrect and setback should be noted as 65 ft. not 50 ft.; the addition is 67 feet from edge of wetlands so meet the requirements; ADU square footage should be noted to be subordinate to existing dwelling; any changes to the driveway/parking spaces should be shown; water and sanitary waste disposal provisions should be provided; a CUP is required; Zone should be identified not noted at "XX"; Plan Title should be Colby Road not Colby Street.

Mr. Greenwood read his bolded comments from his comments dated Sept. 20, 2021 regarding the septic system and photographs provided. Mr. Coppelman read Department comments: Building – none; Fire – meets NFPA codes; Highway – driveway is existing but not in compliance.

Mr. Allard stated that since receiving Engineer's comments prior to the hearing, he had a plan with him that addressed these comments that included an amended wetland setback, zone now clarifying that it is SFR and Colby Street changed to Colby Road.

There was no public comment. Mr. Bashaw suggested it was appropriate to motion a conditional approval as the applicant has stated that they have already addressed Mr. Quintal's concerns. Mr. Greenwood will confirm the items have all been addressed prior to Mr. Coppelman signing the plan.

MM&S to grant the CUP for the ADU, as all of the requirements of 206.4 have been met, with the following conditions:

- **Wetland scientist stamp on the plan**
- **Correction of plan regarding the wetland buffer**
- **Amend the square footage**
- **Approval of septic**
- **Plan correctly identify the zone**
- **Correction of "Colby Street" to "Colby Road"**

(Motion by Ms. Duguay, second by Mr. Bashaw) **Motion carried 6-1** with Mr. Coppelman opposed. Mr. Coppelman explained that he was not opposed to the application but the renderings were not sufficient per the ADU requirements.

Mr. Greenwood will provide a Notice of Decision outlining the conditions to the applicant.

<Board note: this portion of the hearing ended at 9:55 PM.>

8

KPB
09/21/2021
Draft

Nicholas Tripodi

Co-applicant: Steve Pascoe/OSP Realty, LLC

62 Mill Road

Tax Map R22 Lot 26

Mr. Coppelman read the legal notice. Mr. Zilch, representing the applicant, reviewed the history of the property adding that Mr. Pascoe was the prior owner. He explained that this application was more like an as-built plan; he reviewed the plan. Mr. Coffin recused himself from this hearing as it had previously been before the ZBA and he is a member. Mr. Coppelman announced that Ms. Faulconer would be a voting member replacing Mr. Coffin for this hearing.

Mr. Zilch stated that this application was before the Board to meet the conditions of the ZBA. Mr. Greenwood read his comments regarding waiver requests, inability to record the plan but recording a letter of Facts and Findings in place of a recorded plan. Mr. Quintal read his three comments that included needing a surveyor's stamp on the plan, a suggestion to move the shed into compliance, no objection to waiver request. Mr. Coppelman read Department comments: Building – well done; Fire – meets NFPA codes. There was no public comment. Mr. Coppelman noted that the ZBA decision of 3/13/2020 was in the file.

MM&S to invoke jurisdiction. (Motion by Ms. Duguay, second by Ms. Faulconer) **PUNA**

The applicant submitted three waiver requests.

MM&S to waive the 904.3 requirement for preliminary review based on the applicant's justification as presented in the written waiver request. (Motion by Ms. Faulconer, second by Ms. Duguay) **PUNA**

MM&S to waive the required engineering fee of \$5000 to \$1000 per the applicant's justification as presented in the written waiver request. (Motion by Mr. Bashaw, second by Mr. Bakie) **PUNA**

MM&S to waive 904.5(G)8 requiring full site topography and fully surveyed property boundary lines per the applicant's justification as there are not site changes proposed. (Motion by Mr. Bashaw, second by Mr. Bakie) **PUNA**

A Letter of Facts and Findings, signed by the applicant and the Chair of the Planning Board, will be recorded at the Registry of Deeds with the recording fees paid at the owner's expense; certify existing conditions by the stamp on the plan.

MM&S to approve the plan as presented with the waivers noted on the plan; note from surveyor verifying the conditions as presented; letter of facts and findings signed and recorded at the owners' expense; conditions to be met within 30 days. (Motion by Mr. Bashaw, second by Mr. Wilson) **PUNA**

<Board note: Mr. Coffin returned to the Board at this time replacing Ms. Faulconer>

<Hearing ended at 10:10 PM>

Board Business (continued):

- Letter received by Matt Dworman, dated 8/19/21, regarding reducing the commercial operation currently approved to allow for residential use. The Board met with Mr. Dworman who reviewed his proposal as well as request to amend the RR zone to include this lot that is currently zoned SFR. After much discussion, the Board provided the following possibilities:
 - Convert the property to a single family use

- Apply to the ZBA for a variance for a mixed use then to the Planning Board for an amended site plan
- Submit a petitioned warrant article to change the property from SFR zone to RR zone.

At the end of the discussion, Mr. Dworman asked if he could use the structure as a residence on a temporary basis and not lose the commercial status. The Board stated that this request was not in their purview and he could speak to the BOS; Mr. Greenwood suggested that it was a question for Town Counsel. There was additional discussion regarding septic requirements for residential use that could be discussed with the Health Officer. Mr. Wilson said that there are a lot of issues beyond a few minute discussion; a lot of work has been done on the property.

- Letter received from unit 17 at Commerce Park –

MM&S that no further review is required per the email dated 9/21/21 for Unit 17. (Motion by Mr. Bakie, second by Mr. Coffin) **PUNA** A reply will be sent to owner.

- Mr. Wilson reviewed actions re: Fieldstone

Mr. Coppelman declared the hearing adjourned at 10:43 PM.