



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD

APPROVED MINUTES

TUESDAY, APRIL 5, 2016

Planning Board members present: Alastair Millns, Tom Mahon (arrived 7:07 p.m.), Michael Redding (arrived 7:03 p.m.), Desirea Falt, and Alternates Nelson Disco and Jeff Sebring.

Planning Board members absent: Robert Best, Lynn Christensen and Vincent Russo.

Staff present: Planning and Zoning Administrator Jillian Harris and Recording Secretary Zina Jordan.

1. Call to Order

Alastair Millns called the meeting to order at 7:00 p.m. and designated Jeff Sebring and Nelson Disco to sit for Robert Best and Vincent Russo, respectively.

2. Planning & Zoning Administrator's Report

Regional Impact Determinations: College Bound Movers proposes to convert existing industrial warehouse space to self-storage space and construct a 4,800 square foot addition in front of Unit 1 of 14 Continental Boulevard.

David Labrecque proposes to permit a change of use to allow for seasonal landscape business uses to take place at 12 Wright Avenue.

The Board voted 4-0-0 to determine that College Bound Movers and the Labrecque/Greenwood site plans are not of regional impact, on a motion made by Nelson Disco and seconded by Desirea Falt.

3. Brett W. Vaughn for the Brett W. Vaughn Revocable Trust (owner) and Allison Jenkins (owner) - Continued conceptual discussion of a 17-lot cluster subdivision on 2 lots in the R-1 (Residential) District located at 123 Wilson Hill Road and South Grater Road. Tax Map 4A, Lot 023 and Tax Map 5A, Lot 001. This item is continued from the January 19, 2016, February 2, 2016, and March 1, 2016 meetings.

Michael Redding and Tom Mahon arrived at 7:03 and 7:07 p.m., respectively.

Attorney Greg Michael, Bernstein Shur, noted that, at its December 1, 2015, meeting, the Planning Board was concerned about water and wells. No wells have been dug. It is speculation that digging a new one would affect the neighbors. It was previously proposed to build 11 conforming lots of a minimum 2+ acres each on 60 acres. The Merrimack Conservation Commission (MCC) liked the idea of a cluster plan with the stipulations that there is sufficient water available for all lots without impact to abutters,

soils are adequate and would allow for each parcel to have a normally permitted septic system and that storm water can be properly managed on site. It would need a Zoning Board of Adjustment (ZBA) variance because there is no town water or sewer and a cluster is not permitted in that zoning area. A cluster's open space would abut Town conservation land/Grater Woods and create significant open space. The other possibility is to build an 11-lot traditional subdivision.

Chad Branon, Civil Engineer, Fieldstone Land Consultants, PLLC, said that 1½-2-acre cluster lots would closely meet lot size requirements, except that their geometry would differ from a traditional subdivision because of the frontage. Because the lot sizes would be large, they could support wells and septic systems.

Alastair Millns wanted an expert to say that digging wells and runoff would not impact abutters/neighbors.

Chad Branon is confident that he will have a detailed storm water management plan for the town consultants that would show he can mitigate impacts and obtain a NH Department of Environmental Services (DES) Alteration of Terrain Permit.

Chad Branon is asking the Planning Board whether it prefers an 11-lot traditional or a 17-lot cluster subdivision.

Claude Cormier, President/CEO, Hydrosorce Associates, Inc., explained his methodology for doing a hydro desktop assessment of geology and hydrology for an individual well on each lot. There are not large quantities of water because the permeability of the soil is too low. Bedrock wells would be needed, as in most of New England. It is the luck of the draw whether intercepted fractures meet the drilling. The available daily groundwater withdrawal is estimated at 6,000-8,000 gallons per day, which is a small percentage of the 150,000 gallons per day estimated to be available within the Aquifer in this Watershed. There is enough water for either the traditional or cluster option. Only a small amount of water out of what is in the aquifer at large is needed.

Jeff Sebring asked why the abutters are having problems if so much water is available. Claude Cormier said it depends on whether the well intercepts fractures that could produce sufficient water. There is a broad spectrum of geology. This development (and the abutters) may have to drill more than one well or dig deeper wells to find a fracture that would produce water.

Tom Mahon asked who is responsible for drilling the initial well. Attorney Michael said there have been no discussions about that yet. Noting previous situations, Tom Mahon asked whether planning boards in other municipalities require that a well produce water before granting a building permit. Attorney Michael did not know. It is too speculative and beyond the Board's purview. The applicant must have water to get a Certificate of Occupancy (CO). One eventually finds water; it is just a matter of how much digging one must do.

Michael Redding said that fewer lots mean fewer wells and that larger lots offer more opportunities to find the right location, especially in the frontage area. At some point,

the cost of drilling is too much for the developer. Over time, supply may decrease from the minimum State standard because of usage. The Board must protect the community by creating “buyer beware”. Michael Redding preferred a traditional subdivision because there is more potential to locate a well. Nelson Disco and Alastair Millns agreed with Michael Redding that it is preferable to have fewer lots with fewer wells.

Claude Cormier explained how to judge whether there are more fractures in bedrock. He has submitted the Hydrosorce report, which the Board reviewed at the last meeting on this agenda item. Nelson Disco asked whether recharge water was included in the calculations. Claude Cormier said it was not. The amount of recharge in the bedrock system far outpaces anything on present or future wells. The only way one well can impact another is if the two wells intercept a fracture at the same point. If there is not enough water in an abutter’s well, it is not because of a well nearby, but because it did not intersect a fracture that produces enough water.

Alastair Millns asked about fracking, which Claude Cormier said sometimes works and sometimes does not, depending on the nature of the bedrock system. It is best to create a conduit to a fracture system nearby that already works well. Fracking will not work in solid rock that hits only tiny micro-fractures.

Nelson Disco wanted town consultants Emery & Garrett to review the Hydrosorce report and verify it. Attorney Michael stipulated that Emery & Garrett be given a copy of the tapes of this meeting in order to hear Claude Cormier’s testimony. The Board agreed.

Tom Mahon said part of the issue is whether future homeowners would do everything to protect the water available or let nature take its course. It is a matter of responsibility. This is one of the few remaining opportunities for the town to manage resources. The Board is being asked to add lots in an area where some homeowners have water problems.

Tom Mahon asked what minimum flow for a home the State recommends, which Claude Cormier said depends on depth and amount of storage. The standard is in a table in his report. 80% of the neighbors’ wells within one mile produce 2+ gallons a minute, which meets the State requirement of 1½-2 gallons a minute. Michael Redding stated that, because residential water is not used constantly, storage allows it to refill, even if the supply of water dwindles. A fracture may fill in over time, which may be causing the abutters’ problems.

Michael Redding said this is a preliminary phase; it is too soon to advocate for a traditional or cluster development. Desirea Falt likes a cluster because it has more protected area, but the lots have less room to find water. Attorney Michael disputed Nelson Disco’s assertion that the developed area is almost the same on both plans with the only difference being the number of lots. He offered to make open space on the cluster subdivision plan. The applicant has not decided whether to drill wells before creating the lots/homes, which Jeff Sebring suggested.

Public comment

Tony Cappuccio, 111 Wilson Hill Road, asked for the Board's consensus, which Attorney Michael opined was larger lots rather than a cluster. Tony Cappuccio noted that the requirement for low density residential is 2+ acres vs. 1 acre proposed for a cluster and that runoff can also be from lawn treatment/fertilizers and insecticides. Given the problem area, he suggested looking at the reasonable extreme, as is done with a 10-year flood, rather than looking at the mean and to look at existing wells for statistical purposes. For a cluster, he suggested requiring the applicant to provide an internal water system. If there is a negative impact on abutters, let them use that water system. Although he liked the idea, Alastair Millns said the problem with a pooled resource system is deciding who pays for and maintains it. Desirea Falt asked Tony Cappuccio how his well works. He said it is so-so. It is 240' deep and rated 2½ gallons, but it does not produce that much. The pump cuts out when there is a lack of water, so he must time his usage.

Jim Wood, 119 Wilson Hill Road, referred to a report done for him by Frederick Chormann, State Geologist & Director, NH Geological Survey, stating that a one-mile radius is too generous because of sand and the Souhegan River. Jim Wood drilled three wells; the latest is 1,460' deep. That proves it is not true that one can just drill and find water. One can drill only where the truck can reach. The hill is all rock. Frederick Chormann is also concerned about any chemicals in the water, even pills flushed down a toilet. The runoff would affect the Wood well. There is a 100' drop behind his property. Future neighbors must use only what breaks down naturally.

Michael Redding said only the subdivision presentation would demonstrate whether a traditional development is the lesser of two evils or a substantial sustainable solution.

Alastair Millns instructed staff to make the Hydrosource report available by electronic copy on the Town website and wanted the Emery & Garrett report to be available before the time of subdivision review, when abutters would be re-notified. Jillian Harris stated that typically Town consultant reviews are made after there is a formal submission, Attorney Michael preferred to do it earlier, although he must confer with his client. Tom Mahon suggested that the Board consult the October 19, 2015, MCC minutes to learn why they made their suggestions and preferences.

Jeff Sebring asked if the applicant ever discussed bringing water here with the Merrimack Village District (MVD). Tom Mahon said MVD does so only when asked by people on their proposed route. It is too expensive to bring water to 11-17 properties on rock, although Jeff Sebring opined that it might make a development cheaper to build.

Alastair Millns will send MVD a note asking if it wants to comment.

- 4. Shawn Farrell and Fieldstone Land Consultants, PLLC. (applicants) and Brett W. Vaughn Revocable Trust** - Review for reconsideration of a waiver for driveway slope part of the previous conditionally approved 3-lot subdivision. The parcel is located at 120, 122, & 124 Wilson Hill Road in the R-1 (Residential), and Aquifer Conservation Districts, and Wellhead Protection area. Tax Map 4A, Lot 004.

Alastair Millns noted that, since the original conditionally approved plan included a 12% slope on part of the driveway, which is more than the required 10%, the Planning Board suggested it would grant a waiver if the Fire Department approved. However the Fire Department is not comfortable being in a position to approve or deny waivers. Without Fire Department approval, the previous waiver becomes “denied”. A 10% slope means more fill and wetland problems. Community Development still prefers a shared driveway.

Chad Branon, Civil Engineer, Fieldstone Land Consultants, PLLC, wants to modify the final conditional approval. He believes that the driveway is safe and that a 12% slope is no issue. The Fire Department said the design is adequate and exceeds National Fire Protection Agency (NFPA) requirements. There would be a 12% slope for a straight 300'-long section that would level off as far as the house, which is at a 2% grade and would require an 8' fill slope. A 10% grade would require an 18' fill slope and would have 1,200 square feet more wetland and wetland buffer impacts. The driveway would be 16' wide rather than the required 12' wide. Under certain conditions, a 12% slope is safe. Building a common driveway vs. a shared driveway does not change anything.

Jillian Harris noted that the Community Development Department has not yet received the Fire Department's final comments.

Michael Redding asked about fill and the safety issues. Chad Branon said the Public Works Department (PWD) and the Fire Department requested that he look at more options. One was coming farther south off Wilson Hill Road, but the sight distance is neither adequate nor safe. Another is a design at 10%, but the existing contour/topography drops in one section. Chad Branon is trying to follow the topography, not make it too steep and minimize the land alteration and embankment impacts. A 10% slope requires 16'-18' of fill on the south side of the driveway and pushing the fill slope farther into the site. That makes a substantial difference and it is not safe. Wilson Hill Road is 12% at that location. There are many driveways in Merrimack that were approved at over 10%. A 12% slope is a responsible, safe and environmentally friendly design. Chad Branon stated that although the Fire Department believes the driveway design is adequate, it will not comment officially.

Discussion ensued about the impetus for the 10% standard. Nelson Disco noted that the driveway would be 16' wide, which is a safe design. Tom Mahon said the safety issue (access for emergency vehicles) is nebulous. Chad Branon said that many communities allow a 12% grade; DOT allows 15%. Driveway width is important, especially in winter. He designed for adequate drainage and snow storage. There is no precedent; every project has unique circumstances. This is a lengthy straight driveway with mild slopes everywhere else. This slope would not be extreme and is designed only to meet the existing site conditions.

There was no public comment.

Nelson Disco Cited the criterion that “Strict Conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations.”

The Board voted 6-0-0 to grant the Waiver, on a motion made by Nelson Disco and seconded by Desirea Falt.

5. College Bound Movers/Granite Clover Self Storage (applicant) and Sam A. Tamposi, Harold Watson & Benjamin M. & Clegg Bosowski (owners) – Review for acceptance and Final Approval of an application to construct a 4,800 s.f., 2-story building addition and convert existing space from a warehouse to self-storage and office space. The parcel is located at 14 Continental Boulevard in the I-1 (Industrial), and Aquifer Conservation Districts, and Wellhead Protection area. Tax Map 3C, Lot 089.

Jillian Harris informed the Board that the project was revised. The applicant is seeking approval for a modified building addition and renovations to the interior of the unit. Space within Unit 1 will be converted to a two-story self-storage facility with a building addition proposed to the front of the building that is larger than previously proposed. The ZBA granted a variance to permit the addition within the front setback.

Chad Branon, Civil Engineer, Fieldstone Land Consultants, PLLC, said the two-story self-storage would be in the front unit with site improvements. The parcel is surrounded by mixed commercial and industrial uses. The plan was originally 3,000 square feet to mirror the office space in front of Unit 2. The MCC has approved. The client subsequently decided to change the master plan for the property and withdrew the original application. He is converting the site to climate-controlled self-storage, which must be more than 40,000 square feet. That requires a second floor and a 4,800 square foot addition in the front of Unit 1. The site would be utilized by College Bound Movers, MiBox, Penske Truck Rental, and Trophy Self-Storage. MiBox, College Bound Movers and Penske Truck Rental would eventually relocate elsewhere. The front would have an improved sidewalk, an infiltration and leach basin and landscaping. MCC recommendations about salt and fertilizers would be followed. The applicant has no issues with staff conditions.

Staff recommends that the Board vote to accept the application, as it is substantially complete and contains sufficient information to invoke the Board's jurisdiction and to allow it to make an informed decision.

The Board voted 6-0-0 to accept the application for review, on a motion made by Desirea Falt and seconded by Jeff Sebring.

Chad Branon distributed front elevations. The second floor would be glass over 80% of the width. There would be a storefront and office space on the left. The rest would be consistent with the existing building. There is no interior floor plan yet. There would be 400 storage units with 40,000 square feet of rentable space. Unit 1 is cinder block. It would be improved with windows and a professional office entrance and ADA access on the left. The pine trees and one oak tree now in front of Unit 2 would remain; all trees in front of Unit 1 would be removed.

Chad Branon understood that he should make a connection/sidewalk to Continental Boulevard in case there were to be a sidewalk there in the future. It could also connect to the existing entrance/curb cut. The existing sidewalk comes onto Continental Boulevard. The new sidewalk would mirror the Unit 1 design. None is proposed on Continental Boulevard. Nelson Disco wanted to connect both to the east and west ends in lieu of a sidewalk on the edge of Continental Boulevard that could be connected by other people in the future. Chad Branon said he could modify the sidewalk in front of Unit 1 to come to the main entrance that could connect to a future sidewalk. Chad Branon preferred not to install a sidewalk in front of Unit 2 because the very wide shoulder provides adequate pedestrian space. He would install a sidewalk only on the south section.

A motion made by Nelson Disco and seconded by Desirea Falt that the applicant install a pedestrian way connecting the east and west side of the property along Continental Boulevard failed 1-4-1. Tom Mahon, Michael Redding, Desirea Falt and Jeff Sebring voted in the negative. Alastair Millns abstained.

Alastair Millns wanted action on Condition 5.d. concerning the encroachment on MVD property and recommended making a condition of approval that the applicant would work it out with MVD. Chad Branon wanted flexibility in discussing options such as easement, lot line adjustment and removing pavement with MVD. Alastair Millns said the Community Development Department could approve the decision, so the applicant need not return to the Planning Board (except for a lot line adjustment).

Michael Redding asked if a test pit had been dug for the infiltration basin in front. Chad Branon responded that it had been done and verified that the soil is adequate according to DES standards. Michael Redding asked if the classified well would be registered. Chad Branon explained that a singular infiltration basin is exempt, but he will investigate. He agreed to a plan to remove debris and to place floatable controls in the back structure to remove oil and grease if there is adequate room to install them.

There was no public comment.

Staff recommends that the Board vote to grant conditional Final Approval to the application, with precedent conditions to be fulfilled within six months and prior to plan signing, unless otherwise specified.

The Board voted 5-1-0 to grant Final Approval, with the following conditions, on a motion made by Desirea Falt and seconded by Tom Mahon. Nelson Disco voted in the negative.

1. Final plans and mylars to provide all professional endorsements and be signed by all property owners;
2. The applicant shall obtain any required State Permits, provide copies of the permits to the Community Development Department, and note the approvals in the notes on the plan (if applicable);
3. The applicant shall note any waivers granted by the Board on the plan (including Section, and date granted) as applicable;

4. The applicant shall address the following comment from the Public Works Department: The drainage impact note per Section 4.16(c) should be added to the plans;
5. The applicant shall address the following planning staff technical comments:
 - a. The applicant shall clarify if the “second floor building addition” within the existing footprint of the building is internal construction within the existing “shell” of the building, or if it will be additional exterior construction adding height to the existing building;
 - b. The applicant shall revise the parking calculations for the proposed project in Note 16 on sheet 3 (currently indicating “warehouse & storage” whereas “self-storage facility” would be the applicable use category from the regulations);
 - b. The plan indicates an encroachment of pavement on to the abutting property (3C/76), which appears to have existed for a number of years. The applicant shall address this encroachment (such as the applicant providing documentation that the encroachment is OK with the abutting property owner, Merrimack Village District; removing the encroaching pavement; or a lot line adjustment with the adjacent parcel to contain the pavement within the subject lot.);
6. The plan should include additional oil/water separators in the stormwater design as directed by the Planning Board;
7. The sidewalk in front of Unit 1 should be extended to the southwest property line as directed by the Planning Board.

General and Subsequent Conditions

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. The applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor) to the Community Development Department prior to the issuance of a Certificate of Occupancy for the building addition.
3. This building has an existing NFPA-13 compliant fire sprinkler system. This system shall remain in service during all times the building is occupied by the public. System shutdowns and modifications due to demolition and construction will be permitted only after the Merrimack Fire Marshal has received notice and approved said shutdown;
4. The new addition shall be fully protected by an approved NFPA-13 compliant fire sprinkler system. This system may be connected to the existing building sprinkler system, however due to the age of the building a full system inspection of the existing system by a qualified sprinkler contractor or fire protection engineer is

required to ensure that the system is designed for the existing hazard and in proper working order. Also if the existing fire department connection (FDC) is a double 2 1/2 wye it shall be replaced with the now required 4" Storz connection with a 30 degree downturn;

5. This building has an existing NFPA-72 compliant fire alarm system. This system shall remain in service during all times the building is occupied by the public. System shutdowns and modifications due to demolition and construction will be permitted only after the Merrimack Fire Marshal has received notice and approved said shutdown;
 6. The new addition shall be fully protected by an approved NFPA-72 compliant fire alarm system. This system may be connected to the existing building fire alarm system, however due to the age of the building a full system inspection of the existing system by a qualified fire alarm contractor or fire protection engineer is required to ensure that the system is designed for the existing hazard and in proper working order;
 7. Building Plans must be submitted to the Merrimack Department of Fire Rescue for any revisions and/or changes to the current plan on file and must be reviewed and approved by the Merrimack Department of Fire Rescue, Office of the Fire Marshal. The design and any changes must be fully compliant with local, state and nationally recognized codes. The Fire Marshal reserves the right to require any changes by the Authority Having Jurisdiction (AHJ) or for regulatory compliance at any time;
 8. The most recently adopted building, fire safety, and electrical code requirements will be requested with building permit applications.
- 6. David Labrecque (applicant) and Lionel Greenwood (owner)** - Review for acceptance and consideration of a waiver of full site plan for an application to permit a seasonal wholesale/retail sales and storage of landscaping materials business. The parcel is located at 12 Wright Avenue in the I-1 (Industrial), and Aquifer Conservation Districts, and 100 year Flood Hazard area. Tax Map 4D-2, Lot 001.

Catherine Basso, Engineer, Keach-Nordstrom Associates, Inc., said that Acme Pressure Washing uses the garage on the 3.9-acre parcel. The lease is for seasonal landscape materials on a portion of the property. The business would install storage bins on the existing gravel surface. The trailer would be the sales office. Hours of operation would be 7:30 a.m.-5:00 p.m. Monday-Friday and 8:00 a.m.-5:00 p.m. on weekends. After July 4, sales would be by appointment only. There are no employees.

Alastair Millns noted that there is no record of what is on the site. Complete Diesel Service is another tenant. Catherine Basso responded that there is now only equipment storage and the pressure washing business.

Alastair Millns noted limited impervious surface and was concerned that rain on bark mulch would release chemicals into the ground. Catherine Basso said the surface is gravel. Michael Redding said there would be high runoff and not a tremendous amount

of infiltration, but the soils might retain petroleum and nutrient runoff to the subsurface. There is a pond nearby. Landscape materials are a concern if one does not know the site's drainage. Catherine Basso reported that Steve Keach proposes a layer of recycled asphalt under the bins. Michael Redding countered that it would help prevent erosion, but it would not create impervious surface. One must know what is migrating and then affecting the watershed. Tom Mahon noted the abutting Superfund site. That material also travels into the air. This is an unregulated business that adds to the problem already in the area.

Tony Basso, Vice President, Keach-Nordstrom Associates, Inc., said there is no site plan or survey work on file. GIS was used to show the bin placement because this is not a full site plan review.

Nelson Disco wanted full site plan review. Alastair Millns and Jeff Sebring agreed there is not enough information to accept the plan for review. Desirea Falt wanted documentation about runoff, storage and how to control materials delivered on site.

Public comment

Chris Ross, 401 D.W. Highway, said he cleaned up the pond and the back of his property that were being used as a dump site. Lionel Greenwood bought a vacant building on vacant land, but it is an eyesore full of junk. The lower land is in a flood plain. Chris Ross stated that he was "put through the wringer" when he wanted to develop his land and expects everyone around him to follow the same rules. There is a mountain of concrete there. Chris Ross distributed the site plan for his storage facility as well as the previous existing conditions. There are problems from the Environmental Protection Agency (EPA) cleanup site. All water was supposed to be contained on site and go to the pond, but that did not happen. The water goes onto and floods his and Lionel Greenwood's land. Chris Ross built culverts and installed drainage pipes. Any water from the Greenwood land comes onto his. He regraded and does not want any more problems. Jersey barriers are not containment. The land must be graded and drainage blocks must be installed. There should be no sand below the mulch or water would run onto the Ross land and into the pond. The \$14 million Superfund land and abutters must be protected.

Michael Redding asked about the location of the bins, which Tony Basso said are not on that portion of the property. The photo Chris Ross distributed is not what exists. There are only big concrete blocks there now.

The Board voted 6-0-0 to deny the waiver of full site plan review, on a motion made by Nelson Disco and seconded by Michael Redding.

- 7. Arthur Dean King of DL King Associates, Inc. (applicant/owner)** - Review for acceptance and consideration of Final Approval for a home occupation permit for an engineering office and storage of machinery in a proposed new garage/office area. The parcel is located at 43 Bates Road in the R (Residential) Districts. Tax Map 3A, Lot 008.

Michael Redding recused himself from discussing and voting on this item.

Arthur King, 43 Bates Road, said that the ZBA granted a Variance for a home occupation with more than one employee not residing at the premises. He and his parents have a small family-owned business at his parents' home in Nashua. They are transitioning to an office in Merrimack. Arthur King was going to build a garage anyway and would put the office in the front of it. The proposed garage would be 2,310 square feet and the office would be 1,000 square feet. The remainder would be dedicated to machinery storage/garage space.

In answer to the question Jillian Harris explained that a garage is an accessory structure and does not need approval if it is smaller than the primary dwelling.

Arthur King added that the machinery consists of two tractors and garden equipment. A boom lift, a scissor lift, a bobcat and three trailers are mostly on the work sites. The engineering consists of CAD, design and fitting but no on-site manufacturing. The primary business is historical renovation (e.g., State House dome) and environmental cleanup. The ZBA approved a secretary and two engineers.

Nelson Disco asked why this is a “home” occupation when it is in a separate building on the premises. Jillian Harris explained that a garage or accessory structure qualifies. No wording in the Ordinance says otherwise. Arthur King noted that his neighbor across the street has one. There are no signs; he bids on work.

The Board voted 5-0-0 to accept the application for review, on a motion made by Desirea Falt and seconded by Nelson Disco.

Arthur King said hours of operation would be Monday-Friday, 7:00 a.m.-3:30 p.m.

Discussion ensued about how to calculate whether the home occupation “is no more than 25% of the inhabitable floor area of the dwelling”: use only the home square footage, only the garage square footage, or combine both. Tom Mahon discovered that the regulations also say that a home occupation may be “in an accessory unit”. There is a conflict in the Ordinance, which should be addressed.

There was no public comment.

The Board voted 5-0-0 to grant Final Approval, on a motion made by Desirea Falt and seconded by Nelson Disco.

8. Discussion/possible action regarding other items of concern

Michael Redding returned to the Board.

Tom Mahon announced that this is his last Planning Board meeting; he will not run for re-election to the Town Council. It has been a pleasure to serve. Alastair Millns offered appreciation for his service both as Town Councilor and three-time Planning Board member and for his common sense. He hopes that Tom Mahon will continue to serve the community.

9. Approval of Minutes – March 1, 2016

The minutes of March 1, 2016, were approved as submitted, on a motion made by Tom Mahon and seconded by Jeff Sebring.

10. Adjourn

The meeting adjourned at 10:12 p.m., by a vote of 6-0-0, on a motion made by Tom Mahon and seconded by Desirea Falt.