



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD APPROVED MINUTES TUESDAY MARCH 1, 2022

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, March 1, 2022 in the Matthew Thornton Room.

Members Present:

- Lynn Christensen
- Neil Anketell
- Nelson Disco – Alternate
- Maureen Tracey - Alternate
- Town Councilor Barbara Healey - Ex-Officio

Members Absent:

- Robert Best (Chairman)
- Paul McLaughlin (Vice Chairman)
- Jaimie von Schoen
- Brian Dano

Staff Present: Robert Price, Planning and Zoning Administrator

1. Call to Order

Acting Chair Lynn Christensen called the meeting to order at 7:02 p.m. and led the Pledge of Allegiance. Mrs. Christensen appointed Nelson Disco to vote for Jaimie von Schoen and Maureen Tracey to vote for Brian Dano.

2. Planning & Zoning Administrator's Report

There was no discussion under this item.

3. **KTK Realty Trust, LLC (applicant/owners)** - Continued review for acceptance and consideration of final approval for a site plan to operate a trailer suspension and repair business. The parcel is located at 20 Star Drive in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 3D-1, Lot 012. Case # PB2021-42. **This item is continued from the December 7, 2021 & January 18, 2022 Planning Board meetings.**

The Board voted 5-0-0 to table this item until later in the agenda to allow time for the applicant to arrive, on a motion made by Nelson Disco and seconded by Barbara Healey.

- 4. John Flatley Company (applicant/owner)** – Continued review for acceptance and consideration of final approval for a site plan to construct two 48 unit apartment buildings (in addition to the existing 240 units), in accordance with the most recently amended Flatley Mixed Use Conditional Use Permit. The parcel is located at 5 Gilbert Crossing in the I-1 (Industrial), Aquifer Conservation & Elderly Housing Overlay Districts and Wellhead Protection Area. Tax Map 6E, Lot 003-07. Case # PB2022-07. **This item is continued from the January 18, 2022 Planning Board meeting.**

The applicant was represented by Kevin Walker (P.E., John Flatley Company). Mr. Walker began by providing an overview of the lot in question stating that the applicant recently gained approval to update their Conditional Use Permit to allow for 2 additional multi-family buildings to be constructed and are now seeking site plan approval. He shared a copy of the site plan to demonstrate where the existing buildings are located and where the 2 new buildings are being proposed. Mr. Walker went on to explain that since the time the original units were constructed, the Town's parking requirements have changed so the site already has almost enough parking spaces to accommodate the two additional buildings. He then demonstrated two locations where some additional parking will be added.

Mr. Walker then took a moment to review some of the Board's concerns from the last meeting starting with stormwater infiltration. He confirmed that the Department of Environmental Services has given permission to infiltrate and stated that Town staff has confirmed it themselves with DES. He briefly reviewed the drainage modifications that are being proposed to accommodate the new buildings and wrapped up his presentation by advising the Board that NHDOT is requesting a North bound slip lane to enter at Gilbert Crossing so they are in the process of working with them on that.

Acting Chair Christensen asked about the traffic analysis and Mr. Walker responded that Vanasse and Associates is in the process of updating the analysis for just the apartment buildings and they should have it to staff next week. Nelson Disco asked if the area that was set aside for potential future parking spaces as part of the original site plan approval is being used for this proposal and Mr. Walker stated that it is not being used. Mr. Disco then added that he understands the parking calculations have been revised and they may meet the regulations but, he is concerned that they still may not have the number of spaces that they need. Mr. Walker stated that he spoke with the site property manager to ask if there have been complaints from the residents about parking or traffic and the property manager stated that there have been no complaints on either. Neil Anketell stated that he recalls that one of the abutters asking if Flatley could add some additional trees or berms to the site to improve the views from his yard so he is not staring at the buildings and wanted to know what was being done about that. Mr. Walker explained that they are going to use the excess dirt from the flex site to create two berms behind two of the buildings facing Lantern Lane. Maureen Tracey asked for clarification on the existing emergency access road and Mr. Walker explained that there is a gated road to allow for emergency access to the site but there will not be open access between the residential and industrial portions of the site.

There was no public comment.

The Board voted 5-0-0 to continue this item to April 5, 2022 at 7:00 p.m. in the Matthew Thornton Room, on a motion made by Neil Anketell and seconded by Nelson Disco.

- 5. Daniel Lindbom (applicant) and Michele Lindbom (owner)** – Review of a Conditional Use Permit for a Level II Home Occupation proposing the purchase and sale of firearms. The parcel is

located at 23 Berkley Street in the R-1 (Residential, by soils) and Elderly Housing Overlay Districts. Tax Map 6D, Lot 005. Case # PB2022-11.

Daniel Lindbom (applicant) was present to discuss his home occupation request with the Board. He began by explaining that he is requesting permission to conduct a firearm sales business from his home. He indicated that he is not looking to open a store front and all of the sales will either be done by appointment or through the mail. Mr. Lindbom added that he has already purchased gun safes and has a security system that includes video surveillance of those safes. He went on to explain that he has applied for a Federal Firearm License (FFL) with the ATF and they conducted a background check, came to his house and spent several hours with him going over laws, security and safety measures. They indicated that they would issue him a license once he gains approval from the Town. Mr. Lindbom explained that the FFL allows him to conduct background checks on interested buyers to ensure they are eligible to own a gun.

Mr. Anketell asked if there is going to be any repair services or if it is just sales and Mr. Lindbom explained that he is just doing sales. Mr. Anketell then asked for clarification on which part of the house the sales would be conducted from because the application appears to indicate the breezeway. Mr. Lindbom clarified that his gun safes are in the basement of his house. Mr. Anketell also inquired about the sale of ammunition and Mr. Lindbom indicated that it is his intent to sell ammunition as well and if allowed, plans to store it in a cabinet but is open to adding another safe if necessary. Mr. Lindbom also clarified that he is not doing any gun cleaning on site with the exception of the cleaning of his own personal guns of guns he buys and that he will only be selling standard guns and rifles. Mr. Anketell asked Mr. Price if the staff's proposed condition of approval that no ammunition associated with the business be kept on site could be discussed by the Board and Mr. Price explained that yes, the staff's recommendation to the Board can be altered. Acting Chair Christensen clarified that the condition would not include ammunition for his own use and Mr. Price agreed that is accurate. Mr. Disco asked the applicant if he is aware of the proposed condition of approval that states he must seek approval from the Merrimack Police Department or Federal Government and Mr. Lindbom explained that he is aware and is working with ATF on his licensing. The question about the sale of ammunition was raised again and Mr. Lindbom again clarified that he would like to be able to sell ammunition as well as firearms from his residence. Mr. Anketell then asked about testing of firearms and Mr. Lindbom answered that it would probably be done at the Manchester firing range and would not be done at his residence or in his neighborhood. The Board continued to share their various views on the sale of ammunition from a home occupation and Mr. Lindbom raised the point that he has ammunition in his home anyway, since he personally owns firearms. The Board ultimately agreed they did not want ammunition sold as part of a home occupation.

There was no public comment.

The Board voted 5-0-0 to grant conditional final approval for a conditional use permit, on a motion made by Nelson Disco and seconded by Barbara Healey. The following conditions apply:

1. The applicant shall provide verification to the Community Development Department that the home occupation is covered under either the homeowner's or other applicable insurance.
2. The applicant shall obtain, if applicable, final local approvals from the Police Department and any State or Federal licenses required for the operation of the home occupation and provide copies of such to the Community Development Department.

3. The applicant shall provide documentation/proof that the home occupation will utilize an appropriate security/alarm system. Such system shall be approved by the Merrimack Police Department before use and a copy of such approval shall also be provided to the Community Development Department.
4. The applicant shall provide documentation/proof that the home occupation will utilize gun safes for the storage of firearms related to the home occupation's operations.

The following general and subsequent condition are also placed on the approval:

1. No ammunition related to the home occupation shall be permitted on the premises.
 2. The applicant shall store any flammable materials in an appropriate "flammables cabinet."
 3. The applicant shall dispose of wastes associated with the home occupation in accordance with State/Federal requirements.
 4. The residence shall be easily identifiable with appropriate numbering.
6. **Allison Roberts (applicant) and Justin Roberts (owner)** – Review of a Conditional Use Permit for a Level II Home Occupation proposing a nail salon. The parcel is located at 30 Woodward Road in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 6B, Lot 085-055. Case# PB2022-12

Allison and Justin Roberts (property owners) were present to discuss their proposal with the Board. Mrs. Roberts began by stating that she has been a licensed nail technician for the last 12 years and now that she has children, she would like to open a nail salon in her home so that she can be home with her children when they are not in school. She also pointed out that since Covid began, women are more comfortable visiting smaller nail studios with less people so she would like to be able to provide that for her clients. She continued by explaining that she will not have any other employees working at the salon and the home has plenty of off-road parking and a large driveway. The salon itself has its own entrance and bathroom so the clients will not need to enter the primary portion of the dwelling at all.

Mr. Anketell asked about outside lighting and the hours of operation for the business. Mrs. Roberts stated her hours of operation will most likely be 9-5 and confirmed that there is an outside light at the entrance to the salon. Mr. Anketell also reminded the applicant that they will need to keep the driveway clear of snow in the winter and Mrs. Roberts confirmed that they will.

There was no public comment.

The Board voted 5-0-0 to grant the conditional use permit, on a motion made by Nelson Disco and seconded by Neil Anketell.

7. **Nickolay & Tanya Gaponov (applicants/owners)** – Review of a Conditional Use Permit for a contractor yard (allowed per a variance granted by the Zoning Board of Adjustment) as a home occupation. The parcel is located at 109 Bedford Road in the R-1 (Residential, by soils) and Aquifer Conservation Districts. Tax Map 6C, Lot 194. Case # PB2022-13.

Tanya & Nikolay Gaponov (property owners) were present to discuss their proposal with the Board. Mrs. Gapanov began by explaining that they seeking approval to operate a small construction business from their home and stated that the only materials that will be stored on premises will be kept in a shed that is less than 500 square feet.

Mr. Price interjected to provide some background on this project. He stated that it was first brought to staff's attention last year as a service request (for a violation of the Zoning Ordinance) and at that time the business was operating from the home on a much larger scale. He went on to explain that since that time, the applicant has scaled down what is kept at the home for materials/tools and has obtained a variance from the Zoning Board to operate a contractor storage yard as a home occupation.

There was no public comment.

The Board voted 5-0-0 to grant the conditional use permit, on a motion made by Nelson Disco and seconded by Barbara Healey.

- 8. Chris Ross (applicant) and 702 Daniel Webster Highway, LLC (owner) – Review for acceptance and consideration of final approval for a Conditional Use Permit and Site Plan to construct a 592-unit self-storage facility. The parcel is located at 702 DW Highway in the in the C-2 (General Commercial) District. Tax Map 7E, Lot 023-01. Case # PB2022-14.**

At the applicant's request, the Board voted 5-0-0 to continue this item to March 15, 2022 at 7:00 p.m. in the Matthew Thornton Room, on a motion made by Neil Anketell and seconded by Nelson Disco.

- 3. KTK Realty Trust, LLC (applicant/owners) – Continued review for acceptance and consideration of final approval for a site plan to operate a trailer suspension and repair business. The parcel is located at 20 Star Drive in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 3D-1, Lot 012. Case # PB2021-42. This item is continued from the December 7, 2021 & January 18, 2022 Planning Board meetings.**

The Applicant was represented by David Morin (Berkshire Hathaway - Verani Realty) and George Fredette, P.E., SFC Engineering). Mr. Morin began by explaining that Mr. Fredette is currently on his way to Merrimack from another meeting and is running late but indicated that he would begin the presentation by reading through the waivers being requested. Acting Chair Christensen asked Mr. Price if that is acceptable and Mr. Price indicated that the application has to be accepted as complete first. Mr. Disco expressed concerns with accepting the application as complete because the Board received abutter feedback that has not been reviewed yet. Acting Chair Christensen explained that accepting the application as complete allows them to continue the review and open the public hearing so that the abutter feedback can be considered.

The Board voted 5-0-0 to accept the application as complete, on a motion made by Nelson Disco and seconded by Barbara Healey.

Mr. Fredette arrived and the Board took a five minute recess.

Mr. Fredette began by explaining that the parcel in question is in the I-1 (Industrial) District and was originally constructed in 1970 with an addition added in 1982. He went on to say that there is already existing vegetation in the rear of the lot and that the existing landscaping is consistent

with the rest of Star Drive. Due to these reasons, the applicant is requesting that the Board determine that the existing vegetation is suitably located, sufficiently visually impervious, and vigorous enough to satisfy the town's requirements.

Acting Chair Christensen asked for clarification on what is being requested because she did not see landscaping as one of the waivers. Mr. Price clarified that it is not a waiver request because in the Site Plan Regulations, the applicant has the right to request that the Board determine the existing vegetation is sufficient to substitute for a landscaping plan. Mr. Disco stated that he feels that more could be done to improve the existing landscaping and is not ready to make that determination. Mr. Fredette then suggested that they take a step back and review the site plan because some changes have been made since the original submittal in December 2021.

Mr. Fredette shared the site plan and walked through some of the major components of the plan including a turnaround easement that is being contested by an abutter and changes to improve the current drainage situation on the property/road. He spoke in detail about the drainage improvements and indicated that the proposed changes will improve not only the volume of flow but the rate of flow as well.

Mr. Fredette then turned his attention to the changes to the driveway. He indicated that the existing driveway entrance is 100 feet wide and the applicant was asked by the Board to reduce that size to be more compliant with today's standards. The new plans reduce the driveway to almost half its size (52 feet) which makes it look more like a driveway entrance while still allowing plenty of room for tractor trailers to get in and out.

Merrimack's wastewater department discovered that the sewer line was never connected as planned during the renovations that were done in 1982 so this plan also includes the connection of that line as well as the removal of an existing sanitary sewer line at northeast building corner of the property. An existing septic tank that has been in use since that time is also being abandoned.

Mr. Fredette then spoke about a few other minor changes that were made to the plan such as the removal of a sign that was located near the driveway entrance on abutting property, the location of the dumpster/enclosure and the striping of parking spaces. He then segued into discussing the four waivers being requested, with parking being the first one discussed. Mr. Fredette indicated that with the modifications being made to the entrance and the relocation of the dumpster, they were only able to stripe 20 spaces, but the regulations call for 21 so they are requesting a waiver from this section (3.11.a.2) of the regulations.

Mr. Disco asked how many spaces the business needs to operate and Mr. Morin replied that there are only 6 full time employees and they do not have customers that visit the site so 20 spaces is more than sufficient.

The Board voted 5-0-0 to grant a waiver from Section 3.11.a.2 pertaining to the parking calculation, because strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations, on a motion made by Nelson Disco and seconded by Barbara Healey.

The second waiver request was from sections 4.12.c.15.i & 4.12.c.15.ii of the regulations regarding the delineation of wetlands. Mr. Fredette argued that it is apparent that no wetlands exist on the site, and that there is no development being proposed that would impact any

undisturbed areas. He also pointed out that there is a note on the existing conditions plan that indicates there are no wetlands on the property. Due to these reasons, they feel that a waiver is within the spirit and intent of the regulations.

The Board voted 5-0-0 to grant a waiver from Section 4.12.c.15.i & 4.12.c.15.ii pertaining to wetland delineation criteria because strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations on a motion made by Nelson Disco and seconded by Maureen Tracey.

A waiver from the section 4.15 requirement for a building rendering was also requested because no exterior changes are proposed to the existing building which was constructed almost 50 years ago.

The Board voted 5-0-0 to grant a waiver from Section 4.15 pertaining to provision of building renderings because strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations on a motion made by Nelson Disco and seconded by Neil Anketell.

The last waiver being requested is to Section 4.16 and is the requirement for illumination plans. Mr. Fredette argued that no changes to existing exterior lighting are proposed and the long term, and on-going use of this lighting is testimony for adequacy of the existing lighting.

The Board voted 4-1-0 to grant a waiver from Section 4.16 pertaining to provision of an illumination plan because strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations on a motion made by Nelson Disco and seconded by Maureen Tracey. Neil Anketell voted in opposition.

Mr. Disco asked if a waiver for stormwater runoff is being requested and Mr. Fredette explained that they had previously submitted a waiver for the requirement to submit a stormwater report, but they have since withdrawn that waiver and have submitted the report to staff. The report shows that the volume of water run-off as well as the rate will decrease with the changes being proposed. Mr. Disco then asked if the stormwater report was sent for a peer review and Mr. Price responded that staff determined it was not necessary because the applicant worked with the Town Engineer on the improvements and any improvement over the existing condition would be beneficial. Mr. Morin argued that they cannot fix the problem for all of Star Drive and are only responsible for water coming off of their site and Mr. Disco agreed with his statement that they are only responsible for their site but would feel better if the report were reviewed by a third party.

The conversation then turned to whether or not the existing vegetation is sufficient enough not to warrant a landscaping plan and Mr. Anketell asked if any curbing is being added where the driveway is being narrowed. Mr. Fredette indicated that curbing is not being added. Mr. Anketell suggested that the applicant add some shrubbery to the location of the proposed swale. Mr. Fredette and Mr. Morin agreed that shrubs could be added and that it would also help the drainage. Mr. Price added that any plantings in the right of way must be approved by Public Works. Councilor Healey expressed her views that the established trees are not considered landscaping and there is a lot that can be done to improve the appearance of the property.

The Board voted 4-1-0 to determine the existing vegetation is sufficient enough to substitute for additional landscaping requirements as per Section 3.09.c.7 pending the proposed installation of some street side landscaping, on a motion made by Neil Anketell and seconded by Nelson Disco. Barbara Healey voted in opposition.

Public Comment

Cynthia Boisvert (Arago Land Consultants) and Richard Kalika (owner of an unnumbered property off Star Drive) were present to share their concerns with the Board. Mr. Kalika began by stating that the present owner does not have the property rights to what they are proposing to do. Ms. Boisvert then shared a recent survey plan that was conducted for abutting lot 3D-1/007 and pointed out the location of two issues that were identified as part of that survey. The first is the presence of a municipal sewer line on lot 7. She stated that there is currently not an existing sewer easement deed in place to allow access to the existing sewer line and without it, the property owner is not legally required to allow access to that sewer line. She cited a Supreme Court case out of Portsmouth NH (Boyle v. City of Portsmouth, 2020) to back up her claim. Ms. Boisvert then discussed the turnaround that exists on Star Drive stating that it is shown on several plans as being located on the lot 3D-1/007 but there was never a recorded easement deed done when it was relocated, so therefore it does not legally exist anywhere but the original location (on lot 3D-1/012). She then shared a variety of plans to back up her testimony on the location of the turnaround in question and re-emphasized that a site plan does not make an easement legal. She addressed a comment that she read regarding the Planning Board extinguishing the easement in 1982 and expressed that the Planning Board does not have the authority to grant or extinguish property rights, this can only be done through a deed.

Ms. Boisvert addressed concerns with the drainage proposal and feels as if the changes will only funnel the water to collect on the lot across the street (3D-1/007) rather than create an improvement. She encouraged the Board to have the peer review done to ensure this will not happen.

Mr. Anketell asked why the turnaround is such a big concern, because he has been down Star Drive and there appears to be plenty of room for vehicles to turn around. Ms. Boisvert explained that if the turnaround is constructed where she believes the easement requires it to be, and the applicant narrows the driveway on lot 3D-1/012, there will not be enough room for vehicles to turn around.

Ms. Boisvert used the applicant's proposed plan to indicate a spot at the end of Star Drive that has a gated access to allow Eversource and Mr. Kalika access to their land. This area is also where the applicant proposes to install two 12" culverts and change the grading of the road from 0 to - 5.00%. This will mean that vehicles that need to stop at that gate to open it will now be stopping on an incline.

Mr. Kalika stated that all dead end roads are required to have a turnaround and added that Star Drive is even more unique in the sense that it is off a Federal highway. He also stated that the approach to the railroad is governed by the Federal Railroad Administration and the work being proposed to correct the drainage is very close to the railroad crossing. Mr. Kalika also reminded that Board that there are 13 acres of undeveloped land on the other side of the railroad tracks that also needs to be considered.

The discussion continued about the turnaround and its current location versus its legal location and Mrs. Tracey asked Mr. Kalika what he believes the correct resolution to the problem is. Mr. Kalika stated that he would like to see the turnaround remain where it was originally placed and where everyone has legal deeded rights to. He also stated that in 2012 the turnaround matter was before the Board and he voiced his objection to the turnaround being moved at that time and even the Town's legal counsel agreed that the Town did not have the legal rights to move it (the letter from the town's attorney was included in the information provided by Mr. Kalika; a 2012 letter penned by Attorney Matt Upton of the law firm Drummond Woodsum).

Mr. Kalika also brought up concerns with chemical runoff appearing at the end of Star Drive, but could not specify what the chemical is or where it is coming from.

Acting Chair Christensen stated that she believes that the issue of the turnaround is not something they have any control over and should be addressed by the Court. She also stated that the Board needs to consult with the Town's legal counsel before rendering any decisions on the applicant's site plan. Mr. Kalika clarified that the Court placed a stay on his appeal regarding the turnaround until the Planning Board makes a decision on this particular matter.

Mr. Kalika also alleged that a rip rap swale that was installed along the south side of Star Drive is directing water onto lot 3D-1/007.

Acting Chair Christensen closed the public hearing and invited the applicant to respond to any of the public comments.

Mr. Morin stated that he believes that the topic that is stalling the Planning Board's decision is the turnaround and it has nothing to do with the issue at hand. The Board asked the applicant to look at the drainage problems which they did and provided a viable solution to correct run-off from their site. He emphasized that they are only responsible for water that comes off their site and he believes that this revised plan addresses all of the Board's concerns. Mr. Price agreed that the plan has definitely been improved and that the applicant has made a good faith effort to correct the drainage concerns.

Mr. Morin argued that the drainage issues that were raised cannot be addressed until they can execute the plan which requires approval from the Board. He added that he has spoken to the applicant's attorney and it is their belief that the issue of the turnaround should have no bearing on the Board's decision regarding the site plan. The turnaround is a matter that needs to be handled by the Court and Mr. Morin expressed his beliefs that the applicant should not be held up based on something he has no control over.

Mr. Disco raised the concerns that the stormwater report has not been reviewed yet and Mr. Morin argued that it was given to staff three weeks ago and if they did not comment on it, they must not have any concerns. Mr. Price clarified that it was submitted to staff, but not sent for peer review which the Board has now indicated they want to have done.

Mr. Anketell stated that Mr. Kalika submitted over 600 pages of testimony that needs to be considered and that he raised some potentially valid points that a peer review would help resolve. Mr. Morin argued the relevance of Mr. Kalika's testimony and continued his stance that it should have no bearing on the Board's decision.

The Board agreed they wanted to have a non-meeting with legal counsel to discuss the situation before taking action on the plan.

The Board voted 5-0-0 to continue this item to April 5, 2022 at 7:00 p.m. in the Matthew Thornton Room, on a motion made by Nelson Disco and seconded by Barbara Healey.

9. Discussion/possible action regarding other items of concern

The Board voted 5-0-0 to grant a 6-month extension of the conditional approval for the Flatley high-bay warehouse site plan, on a motion made by Nelson Disco and seconded by Barbara Healey.

The Board voted 5-0-0 to grant a 6-month extension of the conditional approval for the Flatley access road site plan, on a motion made by Nelson Disco and seconded by Barbara Healey.

The Board voted 5-0-0 to grant a 6-month extension of the conditional approval for the Level Acres lot line adjustment plan, on a motion made by Nelson Disco and seconded by Barbara Healey.

The Board voted 5-0-0 to grant a 6-month extension of the conditional approval for the 50 Robert Milligan parkway distribution center site plan, on a motion made by Nelson Disco and seconded by Barbara Healey.

10. Approval of Minutes — February 15, 2022

The Board voted 4-0-1 to approve the minutes of February 15, 2022, as submitted, on a motion made by Barbara Healey and seconded by Nelson Disco. Maureen Tracey abstained.

11. Adjourn

The Board voted 5-0-0 to adjourn at 9:55 p.m. on a motion made by Barbara Healey and seconded by Nelson Disco.