



Town of Merrimack, New Hampshire

Community Development Department
6 Baboosic Lake Road
Town Hall - Lower level - East Wing

603 424-3531
Fax 603 424-1408
www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

MERRIMACK PLANNING BOARD VIRTUAL MEETING APPROVED MINUTES TUESDAY, APRIL 20, 2021 7:00 P.M.

Due to the COVID-19 crisis, and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the Planning Board is authorized to meet electronically.

As stated on the agenda, the meeting was aired live on Merrimack TV and the Merrimack TV webpage (<http://www.merrimacktv.com>). Telephone access was available for members of the public wishing to speak during the Public Hearing or provide public comment. Also identified on the agenda was the opportunity for general public comment to be submitted leading up to the start of the meeting via email to CommDev@MerrimackNH.Gov.

Members of the Board and Town Staff were participating via Zoom. In accordance with RSA 91-A: 2 III, each member of the Board was asked to state, for the record, where they were, and who, if anyone was with them.

1. Call to Order

Robert Best called the virtual meeting to order at 7:03 p.m. and read the procedures & processes for the virtual meeting.

Roll Call:

- Robert Best (Chair) stated he was present at home and alone in the room he was in.
- Councilor Bill Boyd (Ex-Officio) stated he was present at home and alone in the room he was in.
- Nelson Disco (Alternate) stated he was present at home and alone in the room he was in.
- Paul McLaughlin stated he was present at home and alone in the room he was in.

Members Absent: Lynn Christensen and Neil Anketell

Planning and Zoning Administrator, Robert Price was attending alone from his office in Merrimack Town Hall.

With a heavy heart, Chairman Best announced the passing of Vice-Chair Alastair Millns and shared some memories of him. He invited the other Board members to speak as well and everyone took turns sharing their memories of Alastair, each echoing what a great man he was and how much he will be missed.

Chairman Best appointed Nelson Disco to sit for the late Alastair Millns.

2. Planning & Zoning Administrator's Report

The Board voted 4-0-0 by roll call vote to determine that the Soucy/Rosenfeld Lot Line Adjustment application is not of regional impact, on a motion made by Bill Boyd and seconded by Nelson Disco.

- 3. RCL Realty, LLC (applicant/owner) – Continued review for consideration of final approval of an amendment to a previously approved subdivision. The parcels are located on Elizabeth Drive, Squires Drive and Charles Road in the R-1 and R-2 (Residential) Districts. Tax Map 3A, Lots 010, 011, 012, 013, 014, 015, 025, 026, and 027. Case # PB2021-07. This item is continued from the February 16 and March 16, 2021 Planning Board meetings.**

Robert Price offered a brief history of the project by reminding the Board that the application was accepted as complete on March 16, 2021 so the 65 day review period will expire on May 20, 2021. There are still several waiver requests that need to be decided on and a revised plan was submitted and included in the agenda packets for this meeting, The revised plans include changes and updates that were made as a result of feedback from the peer review and previous Planning Board meetings.

Matt Peterson (Keach-Nordstrom Associates) and Rob Lavoie (applicant) were present to review the project with the Board. Mr. Peterson began by explaining that the project consists of an 8 lot subdivision with seven of the lots being located on Charles Road and one on Elizabeth Drive. The original plan was approved in 1969 so the applicant is trying to find a plan that complies with today's regulations while still acting upon the original approval. Mr. Peterson then called attention to the staff memo to reference the waivers that were requested. He continued to explain that three of the waivers regarding above ground utilities are being removed because the revised plan has incorporated all underground utilities. He went on to discuss the sidewalk waiver that is being requested citing that there are not currently sidewalks in the existing neighborhood so adding partial sidewalks to the lots in question would not make sense. He also shared a copy of the revised plan to show the proposed placement of pedestrian walkways to access the open land on Squires Drive that was a great concern to the abutters. The last three waivers being requested are from Section-4.12 Road and Utility Standards: Subsections (b, c, & d); from the Town of Merrimack Subdivision Review Regulations. The project is requesting a waiver from the above three road & utility standards to allow roadway grades of 9%, K value of 25 where 30 is required, a cul-de-sac length of 1,450 where 1,200 is the max, and modification to maximum grade on approach leg. Mr. Peterson shared the road profile plan with the Board to demonstrate the location of the increased grade in the road and the approach leg in question. Mr. Peterson wrapped up his presentation by providing an update on the DES permits and applications that have been submitted for the project.

Nelson Disco commented that he was glad to see the change to the underground utilities because it keeps the neighborhood consistent and then asked about the pedestrian access to the open space on Squires Drive. Mr. Peterson explained the easements that have been proposed to allow for a pedestrian ROW on both Charles Rd and Elizabeth Drive. Chairman Best reminded the Board members that the application has been accepted as complete. Councilor Boyd echoed Mr. Disco's sentiments about the underground utilities and then asked about the conservation easement that he proposed at one of the last meetings. Mr. Peterson explained that since the land in question will be granted back to the property owner of lot 3A/017, they cannot recommend an easement in that area. If the property owner wants to proceed with an easement once the land is deeded back to them then that will be their choice. Councilor Boyd asked if the property owners of 3A/017 are aware of this and Mr. Peterson replied that he is unsure. Councilor Boyd commented that the owner of 3A/017 has submitted feedback regarding the project and asked Mr. Peterson if he has had a chance to review it. Mr. Peterson replied that he has reviewed abutter comments and that some of the

concerns regarding the waivers have been addressed but as for the plan feedback, he has addressed what is required. Chairman Best reminded the Board that the public hearing has not taken place yet so the discussion should be held off until they find out if the abutter in question is going to speak.

Nelson Disco asked if test pits were done and if any of them showed signs of problems. Mr. Peterson referenced the test pit information included with the plan and explained that 14 test pits were dug by the septic designer at Keach Nordstrom in July of 2019 and there were no issues with the results. Mr. Disco also asked about the changes to Elizabeth Drive and the construction on Charles Road and whether or not they meet town standards. Mr. Peterson responded that Elizabeth Drive was constructed in the 1970s so it may have met the standards at the time but does not meet today's standards which is why the applicant has requested the waiver for the grading. He also pointed out the two sections of Elizabeth Drive that will entail any type of construction and verified that the expansion of Charles Road will be built to town standards. Mr. Disco then asked about the steepness of the road and protections that are in place to prevent accidents. Mr. Peterson referenced the plan to demonstrate the places that guardrails are planned on Elizabeth Drive and Charles Road. Mr. Disco made mention of a fence behind the guardrail and Mr. Peterson replied that they do not typically install fences behind guardrails. The last question Mr. Disco asked was regarding a section of land along the existing portion of Charles Road that was referred to as a "green belt" on the original plan. Mr. Peterson showed pictures of what the space looks like today and commented that he does not know much about it and is not even sure who owns it but indicated he will do some research on it for Mr. Disco.

Public Comment

John Sauter (9 Elizabeth Drive) read from letters that he had submitted to the Board that address several concerns he has with the applicant's proposal. Some of his concerns are outlined below but a complete list of what was submitted can be found in the project file located within the Community Development Department at Merrimack's Town Hall.

- Inaccurate information listed on the plan: Mr. Sauter discussed several examples of where information was listed inaccurately in the plan, such as Squires Drive being listed as Squired Road and the vicinity plan indicating the land is North of Merrimack town hall when it is actually South-West.
- Elizabeth Drive: When Normandy Estates was first constructed, Elizabeth Drive was left incomplete so to prevent that from happening again, Mr. Sauter recommended that the Planning Board require a completion bond for Elizabeth Drive as a condition of approval.
- The new portion of Charles Road: Mr. Sauter recommended that the proposed extension of Charles Road be named something else and suggested Cycle Lane.
- Drainage Report: Several inaccuracies with the April 2, 2021 drainage report were pointed out by Mr. Sauter.
- Driveways and Buildings: Mr. Sauter requested that all of the driveways and buildings be depicted on the plan prior to Planning Board approval.
- Hammerhead Issues: The hammerhead at the end of Elizabeth Drive is proposed as a means to allow Public Works to turn around when plowing the street during snow storms. Mr. Sauter suggested adding conditions of approval to the plan that DPW must sign off on the design and final construction to ensure there is adequate space for their plow trucks to turn around. He also discussed the slope at the end of the hammerhead and how dangerous it will be for children. He suggested the slope be changed or a fence be added if it is found that the guardrail that is proposed is not

sufficient enough to prevent children from falling. Mr. Sauter wrapped up his feedback on the hammerhead by stating that the 10-foot-wide pedestrian easement from the Charles Road cul-de-sac to the hammerhead is not walkable because of the extreme slope at the hammerhead. He suggested adding stairs and lengthening it from 10 feet to 20 as required in the subdivision regulations.

- Waivers: Mr. Sauter argued that the waivers being requested for the road conditions be rejected unless there is something special about the land that makes the regulations unreasonable as applied to it, the regulations should be enforced, even if that means the lots are unbuildable.
- Squires Drive: Squires Drive in Merrimack, New Hampshire is a paper street located off Elizabeth Drive. When Normandy Estates was laid out in 1969, Squires Drive was shown as a dead-end street providing access to the lot now known as 3A-15. The land was cleared but not paved. Mr. Sauter referenced 13 pictures that were submitted prior to the February 16 Planning Board meeting and walked through each of them in order. Chairman Best asked Mr. Sauter if there is something specific he wants the Planning Board to know or consider when reviewing the pictures. Mr. Sauter responded that the area in question has always been used as green space to the Normandy Estates neighborhood.

James Ferreira (7 Maryann Lane) addressed concerns that his property at 7 Maryann Lane (3A/045-08) is not properly identified on the plan. He stated that variances should not have been granted in plans that were not accurately presented. Chairman Best reminded Mr. Ferreira that variances are granted by the Zoning Board and the Planning Board has no jurisdiction on them at all. Mr. Ferreira thanked Chairman Best for the clarification but restated that all plans submitted to any Board should contain accurate information. Mr. Ferreira also questioned whether or not the flood date provided is accurate and reminded the Board about the water issues the town is currently experiencing and expressed concerns with the waiver that was requested for the street grade as he is concerned with the safety of emergency crews trying to respond to emergency calls. The last point addressed by Mr. Ferreira was regarding the wildlife study and asked if there is anything recent from the last five or so years. He is concerned that there are some endangered birds inhabiting the open space land on Squires Drive and is there is no mention of them or many of the other animals (moose, deer, turtles, snakes) that inhabit the land in any recent material that he has seen.

Bruce Peterson (3 Elizabeth Drive) advised the board that lot 3A/028 is not properly depicted on the plan because it has two driveway entrances, one on Elizabeth and one on Charles. The proposed changes to Charles Road will most likely impact these neighbors. He feels that no approvals should be granted until the corrections to the plan are made. He thanked the applicant for making the change to underground utilities but asked if the telephone pole still depicted on the plan near lot 17 was left on the plan in error. He also commented that the subdivision regulations call for deed restrictions to be listed on the plan and they are not on the plan that was presented. He also stated that that the road requirements call for a cul-de-sac to be no more than 1200 feet in length and Elizabeth Road will exceed this. He also asked how power is going to get to lots 14 and 15, whether or not Comcast has to provide a statement that they are going to be able to service all of the new lots and when DPW has to weigh in on driveways. Chairman Best informed Mr. Peterson that driveways do not have to be part of the subdivision plan unless there is a question as to the feasibility of constructing a driveway. Bruce Peterson thanked Chairman Best for the information and then asked what the slope of the driveway for lot 14 will be, what the legal process is for changing a road from a class six road to a class five and urged the Board not to

approve the plans because in his opinion the proposed L shape at the end of Elizabeth Drive is going to make unsafe conditions for the plow trucks to turn around in during the winter.

Chairman Best responded first to the public comments by explaining that a lot of the questions and concerns that were raised can be answered by reading the staff memo and he read through the recommended conditions of approval from staff. He also reminded everyone that all of the town departments offer feedback on proposed plans and often times (as is the case with this project) a third party review is conducted as well.

Matt Peterson began his response by explaining that the GIS was not clear on the lines between 6 and 7 Maryann Lane so he showed one property owner but notified both 6 and 7 as abutters. He then addressed some of the road concerns by sharing the plan and demonstrating that the proposed plan does improve the existing conditions and clarifying that the slope is only above 8 percent for 125 feet and above 9 for 15 feet. He shared the plan for getting utilities to lots 14 and 15 and addressed some of the inconsistencies with the plans (such as the telephone pole near lot 17) by apologizing and promising to get the corrections made. He spoke about the hammerhead at the end of Elizabeth Drive and ensured everyone that they worked closely with Public Works to design something that meets their needs. The proposed design is also more “green” than building out an entire cul-de-sac on Squires lane as it takes up less land. He also commented on the proposed guardrail and indicated that it meets town standards and is meant to stop cars and pedestrians from passing through but of course, just like a fence, someone could climb over it.

Chairman Best added that Mr. Sauter had some comments on the drainage report but he does not expect Mr. Peterson to address those as they are already included in the third party review. He commented that if staff felt it was necessary, they could pass along the abutter comments to Fuss & O’Neill to weigh in on but that would be their decision to make. Chairman Best also asked Matt Peterson if the locations of the existing houses on Elizabeth Drive can be shown on the plan and he replied that their approximate locations can be added but only from what they can see and from GIS as they are not allowed on their land. Mr. Disco asked if the new driveways on Charles road will be able to meet the slope requirements of the town. Matt Peterson clarified that the slope on Charles is not as challenging as Elizabeth Drive and meeting the driveway requirements will not be a problem. Chairman Best also addressed some of the various typos and inconsistencies in the plan and reminded Matt Peterson to ensure they are cleaned up before the final plan is submitted.

The Board voted 4-0-0 by roll call vote to grant a waiver to Section 4.20.2 (which requires a paved pedestrian way or sidewalk) on a motion made by Bill Boyd and seconded by Paul McLaughlin.

The Board voted 4-0-0 by roll call vote to grant waivers to Sections 4.12.b (which requires street grades not exceed 8% and a K value of 30), 4.12.c (which requires a maximum cul-de-sac length of 1,200 feet in length) and 4.12.d (which requires a maximum grade on the approach leg of 5%) on a motion made by Bill Boyd and seconded by Nelson Disco.

Nelson Disco asked about the 10 foot wide pedestrian easement on Squires Drive and whether or not it is going to be paved. Chairman Best clarified that the easement will be in place but there are no intentions to pave it at this time, it will be left in its natural state. Mr. Peterson interjected to agree with Chairman Best’s assessment of the easement and indicated that paving it would cause it to need clearing in the winter and there are no

intentions of doing that. Additional conversations took place regarding the easement and Chairman Best reminded the Board that this easement is something that the applicant has chosen to do as a sign of goodwill towards the neighbors, but granting access to an abutting property is not within the jurisdiction of the planning Board.

The Board voted 4-0-0 by roll call vote to grant conditional final approval on a motion made by Bill Boyd and seconded by Nelson Disco. The following conditions apply:

1. Final plans and mylars to be signed by all property owners. The appropriate professional endorsements and signatures shall also be added to the final plans and mylars;
2. The applicant shall obtain all required State approvals/permits (NHDES AoT, NPDES, etc.), note the approvals/permits on the final plans and mylars and provide copies to the Community Development Department.
3. The applicant shall provide draft copies of any applicable legal documents (slope, utility & drainage easements) for review, at the applicant's expense, by the Town's Legal Counsel.
4. The applicant shall address any remaining/final comments from the town's peer review consultant, Fuss & O'Neill, as applicable.
5. The applicant shall address any forthcoming comments from the Fire Department, as applicable.
6. The applicant shall address the following preliminary comments from the Public Works Department, as applicable:
 - a. Public Works questions the actual existing limits of the Squires Drive paper street, and notes that it was never accepted by the Town. The applicant will need to go to the Town Council to release the public rights over the Squires Drive paper street because public rights still exist within a paper street.
 - b. Town legal counsel will need to determine if it is legally permissible for the proposed length of the turnaround to be located within the limits of the Squires Drive paper street that the Town will be asked to release rights to, and the cost of legal review shall be paid for by the applicant.
 - c. Access to the proposed detention area that is shown on lots 11 & 12 needs to be a gravel access. Monuments and/or shrubs shall also be installed along the sides of the easement area to delineate it. The top of the detention pond shall also have a level spot around it for ease of maintenance and aiding in equipment movements.
 - d. Sight distances shall be provided at the intersection of Elizabeth Drive & Charles Road.
 - e. Potential driveway locations shall be shown for all lots. If locations are not shown, a right-of-way permit shall be required prior to the construction of each lot. Driveway entrances shall be constructed and the driveway aprons paved at the time of road construction.

- f. The applicant has not shown a break in the curb at Charles Road Extension. The curb shall be treated as though it were a driveway where the curb is cut down.
 - g. While Charles Road Extension is identified as a Class VI public way, the plans shall also clearly note that Charles Road Extension will not be maintained and is still to be considered a Class VI public way.
 - h. A stop sign and stop bar shall be added to the plans at the Elizabeth Drive intersection with Charles Road.
 - i. The underdrain detail proposes 6" of stone. 12" of stone and filter fabric is required.
 - j. Applicant shall note on the plan that the Town reserves the right to require additional erosion control measures during construction, if necessary.
7. The applicant shall address the following comments from Merrimack Village District:
- a. Hydrant must be added at sta. 6+00.
 - b. Waterline to be installed 5' in pavement on opposite side of roads as Electric, Data and Communication.
 - c. Re-alignment of offsite water main must be completed at the request of Merrimack Village District.
 - d. Due to offsite requirements, water main allowed to be C-900 DR-18 (~240 psi) with mechanical Joint Fittings and Installed per MVD Specs.
 - e. C-900 deflection to be less than Manufactures Specifications & deflection specifications submitted to MVD Prior to installation beginning.
 - f. All Water main & services to be installed with tracer wire conforming to MVD Spec.
 - g. Radiuses of road curves (horizontal and vertical) to be identified in feet with simple arrow lead on same sheets as water mains / utilize are shown.
 - h. Mechanical bends must be used and locations identified on plans, to achieve required curves less than manufactures specifications.
8. The applicant shall address the following Planning Staff Technical Comments:
- a. Section 4.06.1.m: Please provide a written statement from Merrimack Village District as to the availability of public water to the proposed lots;
 - b. Applicant shall show a sidewalk on the plan in the area of the proposed lot development or request a waiver from Section 4.06.1.r or Section 4.20;
 - c. Applicant shall provide a signed Inspection and Maintenance Manual, the content of which to be approved by Public Works prior to final approval;

- d. Sheet 1 noted required permits as DES Subdivision Approval, Building Permits & ROW permits, however it does not note that an Alteration of Terrain Permit is required, nor does it include a NPDES (National Pollutant Discharge Elimination System) permit. Please add all required permits and their status to the plan.
9. The applicant shall address the following conditions imposed by the Planning Board at the April 20, 2021 public hearing:
 - a. Applicant shall connect the pedestrian easement from Charles Road to Elizabeth Drive and demarcate that easement on the ground. This requirement shall also be noted on the plans.
 - b. The applicant shall address any remaining abutter concerns concerning typographical errors to the satisfaction of the Community Development Department.

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

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. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant.
 3. The applicant shall obtain right-of-way permits from the Public Works Department for all new driveways.
 4. The applicant shall address any forthcoming comments from the Building Department, as related to building code compliance and permit application, as applicable (that are not deemed precedent conditions).
 5. The applicant shall address any forthcoming comments from the Fire Department, as related to property addressing and fire code compliance, as applicable (that are not deemed precedent conditions).
 4. **John Flatley Company (applicant) & Gilbert Crossing, LLC & John J. Flatley (owners) –** Continued review for consideration of an amendment to a previously approved Mixed Use Development Conditional Use Permit to permit 96 additional multi-family residential units. The parcels are located at 645, 673, 685, 703 & 707 Daniel Webster Highway and 5 Gilbert Drive in the I-1 (Industrial), Aquifer Conservation and Wellhead Protection Districts. Tax Map 6E, Lots 003-01, 003-03, 003-04, 003-05, 003-06 and 003-07. Case # PB2021-12. **This item is continued from the April 6, 2021 Planning Board meeting.**
- At the applicant's request, the Board voted 3-0-1 by roll call vote to continue this item to May 4, 2021 on a motion made by Bill Boyd and seconded by Paul McLaughlin. Robert Best abstained.**
5. **Ronald Rosenfeld (applicant) and Garrett and Jillian Soucy and Roseneiro Trust of 2014 (owner) –** Review for acceptance and consideration of final approval for a lot line

adjustment. The parcels are located at 12 and 14 Dodier Court in the R-1 (Residential, by soils) District. Tax Map 7C, Lots 047-01 and 047-02. Case # PB2021-13.

Robert Price advised the Board that both lots are considered legal nonconforming lots by today's zoning requirements, so any change to the lot lines requires the post-adjustment status of both lots to be fully-compliant with the current Zoning Ordinance. Staff notes that the plan will require variances for frontage relief for both lots and a variance for lot size for parcel 47-01. Given the number of outstanding variances, staff is not comfortable recommending that the granting of the required variances be a condition of Planning Board approval and recommend a continuance to the June 1st meeting or an undisclosed date to allow the applicant time to obtain the variances. Councilor Boyd commented that it seems that the applicant is before the Planning Board prematurely and asked what happened. Mr. Price explained that when the need for the variances was discovered, staff spoke with the applicant's legal counsel because they did not agree with the interpretation of the ordinance and at that time suggested that they proactively request a continuance but they ultimately did not. Mr. Price added that the Planning Board can make the variances a condition of approval, however that is not the normal process that the town typically follows. Chairman Best agreed with the assessment because the Zoning Board's decision can have an impact on how and the Planning Board proceeds.

Mike Ploof (Fieldstone Land Consultants, PLLC) presented the project on behalf of the applicant. Mr. Ploof began by explaining that the proposal entails an equal swap of land between the two parcels which is why they feel the variances are not required. Mr. Ploof went on to explain that they choose to proceed with presenting the project to the Board in hopes that the Planning Board would make the variances a condition of approval. Chairman Best explained that the interpretation of the Zoning Ordinance is the function of the Planning and Zoning Administrator so the Board cannot weigh in on that decision, however, they can appeal that decision through the Zoning Board if they choose to do so. Mr. Ploof explained that the lot line adjustment is being sought to clean up encroachment issues that currently exist between the lots and shared the plan to demonstrate the areas that will be swapped if the approvals are received. Chairman Best asked why the lots are classified as legal non-conforming and Mr. Ploof explained that Lot 47-1 has 241.33' of frontage whereas 250' is required, and has a lot size of 87,268 s.f. whereas 100,000 s.f. is required. Additionally, lot 47-2 has 200' of frontage whereas 250' is required.

Mr. Disco commented that the Board started requiring applicants to apply for the variances first so that they did not make the ZBA feel like they were backed into a corner however, he does feel that this request is so straightforward that the ZBA would not have any concerns. Councilor Boyd agreed with Mr. Disco's assessment and sees the request as an administrative fix to correct the encroachment issues. Chairman Best pointed out another encroachment between lots 47-1 and 47-54. Mr. Ploof indicated that he noticed that too and since that is a completely different lot, it will have to be dealt with separately and is not part of this plan. Chairman Best indicated that a note should be added to the plan indicating that. He also asked Mr. Ploof about the location of the driveway on lot 47-1. Mr. Ploof showed the driveway on the plan and discussed the existing driveway easement and pointed out that the driveway was constructed outside the boundaries of the easement. Chairman Best recommended that the applicant correct the easement as part of this process as well and Mr. Ploof indicated that they are working with legal counsel to get it corrected. The Board discussed the driveway easement issue and the variances that are needed again and then Chairman Best asked if the Board was ready to make a decision on acceptance.

The Board voted 2-2-0 by roll call vote to accept the application for review on a motion made by Bill Boyd and seconded by Robert Best, with Paul McLaughlin and Nelson Disco voting in opposition.

The motion failed.

The Board voted 4-0-0 by roll call vote to continue the application's acceptance and public hearing to June 1, 2021 on a motion made by Bill Boyd and seconded by Paul McLaughlin.

6. Discussion/possible action regarding other items of concern

The Board voted 4-0-0 by roll call vote to grant a 6-month extension to the Synergy Self-Storage & 401 DW Highway site plan conditional approvals on a motion by Bill Boyd and seconded by Nelson Disco.

The Board also discussed returning to in-person meetings and Chairman Best walked through the social distancing protocol they would need to follow. Councilor Boyd commented that Town Council has been meeting in person for months with minimal impact. Mr. McLaughlin expressed concerns on how they would keep the audience members separate for social distancing and Councilor Boyd commented that the Town Council uses the Memorial Room as overflow if the Matthew Thornton Room becomes full. The Board continued to discuss the topic and what the Town Council currently does during their in person meetings. Chairman Best also reminded the Board that the ability to meet virtually is due to the Governor's mandate which could expire at any time so they might want to ease themselves back in.

The Board decided that they would conduct the May 4th meeting remotely and return to in person meetings for the May 18th meeting.

Chairman Best explained that they need to appoint a Vice Chair at least on a temporary basis until the annual meeting in June. They discussed the options and Chairman Best commented that he spoke with Paul McLaughlin and he is willing to step in as Vice Chair for the time being. Councilor Boyd nominated Paul McLaughlin as Vice Chair.

The Board voted 3-0-1 by roll call vote to make Paul McLaughlin acting Vice Chair of the Planning Board. Paul McLaughlin abstained.

Due to Councilor's Boyd's recent appointment to NH State Representative, he is resigning from the Town Council, which will prevent him from being the Council's Ex-Officio on the Planning Board, so he took the opportunity to express his gratitude to the Board members and staff and spoke highly of his working relationship with each of them.

7. Approval of Minutes — April 6, 2021

Approval of the minutes was deferred to May 4, 2021.

8. Adjourn

The Board voted 4-0-0 by roll call vote to adjourn at 9:52 p.m. on a motion made by Bill Boyd and seconded by Nelson Disco.