



Town of Merrimack, New Hampshire

Community Development Department

603 424-3531

6 Baboosic Lake Road

Fax 603 424-1408

Town Hall - Lower level - East Wing

www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

MERRIMACK ZONING BOARD OF ADJUSTMENT

APPROVED MINUTES

WEDNESDAY, FEBRUARY 27, 2019

Members present: Patrick Dwyer, Lynn Christensen, Kathleen Stroud, and Alternates Leonard Worster, Rod Buckley, and Drew Duffy

Members absent: Richard Conescu

Staff present: Assistant Planner Kellie Shamel and Recording Secretary Zina Jordan

1. Call to Order

Patrick Dwyer called the meeting to order at 7:00 p.m. and designated Rod Buckley and Drew Duffy to sit for Richard Conescu and the vacant full-time seat, respectively.

2. Roll Call

Patrick Dwyer led the pledge of allegiance and swore in members of the public who would be testifying. Rod Buckley read the preamble.

- 5. Cellco Partnership d/b/a Verizon Wireless (applicant) and Brett W. Vaughn Revocable Trust (owner)** – Re-hearing for a Special Exception under Section 2.02.1 (B) (2) of the Zoning Ordinance to allow the installation of a telecommunications tower within the Residential District. The parcel is located at 123 Wilson Hill Road in the R-1 (Residential) District (by the Zoning Map). Tax Map 4A, Lot 023. Case #2018-41.

This agenda item was discussed before agenda item #3.

Attorney Victor Manougian, McLane Middleton, said the ordinance permits telecommunication towers in residential districts when the facility is camouflaged by way of special exception. Cellco's slightly modified proposal meets the camouflage criterion, so a variance is no longer sought, and has been formally withdrawn. Attorney Manougian said propane rather than diesel fuel will now be used on site. He said the site is unique, is the best site of all the possible alternatives. Additionally, the site meets all criteria and is the only feasible plan in Verizon's opinion. Attorney Manougian claimed that, when Cellco last appeared before the Zoning Board of Adjustment (ZBA), the Board gave abutters' and residents' testimony more weight than Verizon's testimony and ignored its evidence, causing a prohibition of services.

Patrick Dwyer asked Attorney Manougian if Brett Vaughn had any reservations about the cell tower. Attorney Manougian said that although Owner Brett Vaughn had some reservations after the last meeting, he has a contract with Verizon that he is required to adhere to. He still wants to go ahead with the project.

Attorney Manougian focused the discussion on the first special exception criterion, “the specific site is an appropriate location for such a use ...in terms of overall community development” which had been an issue at the previous meeting. Since there had been no issue with the other criteria, he did not read them into the record.

Attorney Manougian said the ordinance standard is impermissibly vague, ambiguous, and fails to establish clear standards necessary to assess the application. He also cited that the Ordinance provision at issue is the result of a 2002 zoning amendment and during the public hearing process at the time, it was noted that telecommunications companies have been able to prove gaps in coverage in Merrimack, mostly occurring west of the turnpike. It was also noted that wireless service is beneficial to people involved in emergency situations in rural areas. He also referenced Court Decisions related to the Federal Telecommunications Act and local ZBA.

Lynn Christensen asked for further explanation regarding the coverage gap.

Keith Vellante, C Squared Systems, explained the gap in coverage. A September 25, 2018, report about Merrimack’s network and facilities located a gap on Wilson Hill Road. The nearest pole is on Turkey Hill Road, which is two miles east; other poles are farther away. There are five catchment areas. The new facility would fill a significant portion of the large gap, although not all of it, and would provide a reliable connection to the network. Keith Vellante explained how the coverage and gap were determined using a specific algorithm/computer model. According to the computer model Verizon’s current coverage in the area is spotty/in need of additional service to support not only cell phone reception but data.

Public comment

Sean Lynch, 120 Wilson Hill Road, noted that there are 22 towers in a four-mile radius of Wilson Hill Road; six more with significant power were added since 2002. He claimed that the coverage gap is in Amherst and not in Merrimack. Wilson Hill Road will soon have 14 new homes selling at \$800,000 each and bringing the Town \$250,000 annually in taxes.

Jim Wood, 119 Wilson Hill Road, had no decrease in his cell phone or computer service since 2002 and does not want to live under an RF radiation site. His career was working with planes and he knows what RF does. Mr. Vaughn, who is leasing the property to Verizon, is moving away. A tower would affect people using the property for recreation. The tower would abut a swamp; no homes would be developed there.

Michael Martin, 144 Wilson Hill Road, said that Verizon must demonstrate a significant coverage gap. The *Daniels* case Verizon refers to is about “an area where no service at all is offered in the gap”, which is not the case here. Nor is there a prohibition of service, since the area is 100% covered. Verizon itself said that the area is covered; *Daniels* is not applicable. There is coverage and there is no gap.

Karen Grimes, 117 Wilson Hill Road, said that residents put a lot into their homes and pay higher than the regular tax rate to live on a scenic road. She accused Brett Vaughn of proposing the project solely for his gain. She claimed that the view for the new

homes would be the tower. No camouflage can hide it from them. Not everyone on Wilson Hill Road gets coverage. The tower is not a necessity.

Attorney Manougian quoted the Telecommunications Act, “to promote competition . . . so there is national coverage”. He said that Michael Martin’s interpretation of *Daniels* is wrong. Verizon’s coverage is spotty. Verizon would not spend money on a project it does not need.

Keith Vellante said wireless usage is growing and can cause an overload in capacity on other towers. The maps provided in the petitioner’s submission show the site’s unique characteristic: it is on a hill, which causes spotty coverage. He listed other sources of coverage, but they are not intended to serve western Merrimack. He said the closer the site, the stronger the coverage. Coverage and capacity are Verizon’s prominent issues; the proposed tower would alleviate sites with heavy usage.

Lynn Christensen said the ZBA must base its decision on the whether or not the applicant meets the criteria listed in the Ordinance, not other factors.. She said the site is physically appropriate and there is need and demand, so the ZBA has no reason to not approve the petition.

Patrick Dwyer questioned the coverage issue, claiming it to be more of an Amherst problem. He said he was shocked there has been no tower on this site up until now. He said it makes sense to put one there, but he does not see a coverage gap.

Kathleen Stroud stated she lives in the area of Turkey Hill Road and has no coverage.

Lynn Christensen asked when the coverage maps (provided in the submission) were done.

Attorney Manougian explained that the maps were drawn as part of the September 25, 2018, report.

The Board voted 3-1-1 to grant the Special Exception, with the condition that the facility shall obtain site plan approval by the Planning Board, on a motion made by Lynn Christensen and seconded by Kathleen Stroud. Patrick Dwyer voted in opposition. Drew Duffy abstained.

Findings of Fact

1. The specific site is an appropriate location for the proposed use in terms of overall community development because the tower would be located in a heavily wooded and rural area, limiting aesthetic impacts while filling a substantial coverage gap in Merrimack. It would allow Verizon to provide wireless coverage in a residential zone plagued with erratic wireless service, increasing the safety, convenience and general welfare by connecting Merrimack’s residents and visitors to a stable wireless network. Legislative history shows that the Ordinance was amended in 2002 expressly to enable wireless companies to fill gaps in the residential district in the Western part of Merrimack;

2. The proposed use, as developed, will not adversely affect the neighborhood because real estate values are not diminished by wireless telecommunication facilities. In the last 20 years, site valuation reports assessing telecommunication tower impact on property values in New Hampshire, New England and the United States have consistently concluded that residential real estate values are not negatively impacted by tower construction. A recent case showed that towers “improve advanced, seamless, competitive, state-of-the-art wireless communication coverage in the target area, which . . . will enhance public safety and economic development, provide opportunities for co-location, which would diminish the need for other carriers to build their own towers in the vicinity”. There is mounting evidence that homes lacking a wireless signal are harder to sell. The benefit of increased coverage to the neighborhood is bolstered by the fact that Merrimack has never received a tax abatement request for diminution of property value based on proximity to a cell tower;
 3. There will be no nuisance or serious hazard to vehicles or pedestrians because Verizon will perform infrequent maintenance visits to the facility, which will remain unmanned after construction;
 4. Adequate and appropriate facilities will be provided for the proper operation of the proposed uses because substantial motor vehicle parking exists on the property;
 5. A buffer shall be erected and maintained to screen existing residential uses. Buffers may be fence screens, dense plantings of suitable trees and shrubbery or naturally occurring shrubs and trees. Naturally occurring vegetation provides a substantial buffer at the property.
- 3. David A. Labrecque (applicant/owner)** – Variance under Section 2.02.1 of the Zoning Ordinance to permit the construction of a new single-family residence on a lot already containing an existing, occupied manufactured home that is proposed to be razed after construction of the new home is completed. The parcel is located at 33 Patten Road in the R-1 (Residential) and Aquifer Conservation Districts. Tax Map 6C, Lot 578. Case # 2019-01.

This agenda item was discussed after agenda item #5.

Leonard Worster recused himself from discussing and voting on this agenda item.

Attorney Brad Westgate, Winer & Bennett, explained that a variance is sought to allow the owner to live in the existing manufactured home throughout the construction process of the proposed new single family dwelling because the Zoning Ordinance does not permit more than one single-family dwelling on a single lot within the Residential District. A variance would allow the manufactured home to remain occupied on the property while the single family dwelling is being constructed simultaneously until the manufactured home is razed.

Attorney Westgate read the Variance criteria into the record.

Public comment

Tom Howe, 29 Patten Road, supports the variance because the home would be single-family which fits within the look and feel of the neighborhood. He said David Labrecque is working with Meridian Land Services and will abide by the rules. He should be able to stay on the property while switching over Town services, etc. He is conscientious about regulations.

The Board voted 5-0-0 to grant the Variance, with the following conditions, on a motion made by Kathleen Stroud and seconded by Drew Duffy.

1. The existing manufactured home shall be razed prior to the issuance of a certificate of occupancy for the new single-family dwelling;
2. The existing shed shall be razed or relocated, in accordance with the plan presented to the Zoning board of Adjustment prepared by Meridian Land Services, Inc., dated January 14, 2019, entitled, "Zoning Board of Adjustment Exhibit, Land of David A. Labrecque. . . " prior to the issuance of a certificate of occupancy for the new single-family dwelling;
3. That this variance be valid only until a new single-family dwelling is constructed on the property and that it shall not permit more than one dwelling unit on the property after the new dwelling unit receives a certificate of occupancy.

Findings of Fact

1. Granting the variance would not be contrary to the public interest because it would allow the applicant to remain at the premises while the new single-family dwelling is being constructed, enhancing efficiencies of construction, monitoring of work and safety and security of the site. After the new single-family dwelling is occupied, the existing manufactured home will be razed and the existing septic tank and septic system removed, all effecting more appropriate use of land, upgrades to housing stock and environmental conditions of the premises;
2. The spirit of the Ordinance is observed because the upgrades and modernization of the property are consistent with the permitted uses in the zone. Two single-family dwellings will not remain on the property. The existing manufactured home will be razed after occupancy of the new single-family dwelling;
3. Granting this variance would do substantial justice because it would enable the applicant to process efficiently the construction on the single-family dwelling, new septic system and related improvements, provide security to the site during construction and continue his existing living arrangements until completion and occupancy of the new single-family dwelling. There is no harm to the public in permitting these arrangements during construction, but significant harm to the owner/applicant if the variance is denied and the existing manufactured home is forced to be razed and removed prior to construction of the new the new single-family dwelling;

4. The values of the surrounding properties would not be diminished because they are generally residential. A new residential home in place of an older manufactured home only enhances the value of surrounding properties and does not adversely affect them;
5. A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:
 - 1) No fair and substantial relationship exists between the general public purpose of the Ordinance provision and the specific application of that provision to the property because there are specific conditions that distinguish this property from other properties. It has been historically used for a single-family residence. It contains a manufactured home over 40 years of age, beyond the typical useful life of such a unit. Most if not all the nearby properties do not contain manufactured homes. The premises (2 acres with 180' of frontage and 500' of depth) easily accommodate a new single-family dwelling fully compliant with the setback requirements of the Zoning Ordinance. Because the premises are located in a residential section of Merrimack not adjacent to fire, life safety or police resources, permitting construction of a new single-family dwelling while Mr. Labrecque lives in the existing manufactured home provides efficiency of construction and security for the premises. The development of harmonious residential uses is fostered by construction of the single-family dwelling and razing of the existing manufactured home;
 - 2) The proposed use is a reasonable one because a new single-family dwelling fits the character of the premises, their location and the nature of the immediate area are compatible with the uses in the neighborhood and the use is permitted in the Residential District.

4. **Crosswoods Path III, LLC. (applicant) DW Development and Land Services, LLC. (owner)** – Variances under Sections 15.04 & 15.06, Table I of the Zoning Ordinance to permit the construction of a mixed-use multi-family residential (mix of 1 and 2 bedroom units) and office building with greater residential density (8.36 units per acre) whereas 7 units per acre (for 1 bedroom units) and 6 units per acre (for 2 bedroom units) is permitted. The parcel is located at 747 Daniel Webster Highway in the C-2 (Commercial), I-1 (Industrial), R (Residential), and Aquifer Conservation Districts. Tax Map 7E, Lot 046-54. Case #2019-02.

Leonard Worster returned to the Board.

Patrick Dwyer recused himself from discussing and voting on this agenda item. Lynn Christensen assumed the chair and designated Leonard Worster to sit for Patrick Dwyer.

Attorney Brad Westgate, Winer & Bennett, said the applicant seeks a density variance for a permitted use. The proposal includes 21 one-bedroom and two-bedroom apartments in one building and 1,500' of office/commercial space. The commercial

component meets the provisions of the Planned Unit Development (PUD). Attorney Westgate said the Zoning Ordinance contains conflicting density calculation language: gross acreage vs. net acreage; therefore the applicant seeks variances from both. He said the property is unique because it is in three zones: industrial, commercial and residential. After the public expressed its concerns at the September 18, 2018, Planning Board meeting, Manager Chris Bova met with residents and the president of the Crosswoods Path II condominium board. Attorney Westgate listed their comments that were incorporated into the plan, which is compatible with Crosswoods Path II. The higher density and the new design will keep more land undeveloped.

Attorney Westgate read the Variance criteria into the record.

Public comment

Linda Feldeisen, 27 Kearsage Lane, spoke for herself and fellow Crosswood Path II condominium board members in support of the variances. She thanked Chris Bova for meeting with them and changing the plans to accommodate their issues. Increasing the number of units from 15 to 21 is not a significant difference. Crosswoods Path II gets other benefits from the proposal, such as keeping the current look and feel of the development consistent. The access was moved closer to D.W. Highway so there would be less wear and tear on Crosswoods Path II.

The Board voted 5-0-0 to grant the Variances, with the condition that the petitioner shall obtain site plan approval from the Planning Board for the proposed mixed-use multi-family and office building, on a motion made by Rod Buckley and seconded by Kathleen Stroud.

Findings of Fact

1. Granting the variance would not be contrary to the public interest because it would permit more appropriate and better utilization of a vacant parcel of land that has stood vacant since the establishment of the (Crosswoods Path) PUD. It has not proven to be an adequate site for commercial or other non-residential uses as its primary use. Inclusion of a modestly-sized multi-family building of 21 units adds additional affordable housing to the area;
2. The spirit of the Ordinance is observed because the proposal promotes efficient use of land and utilities by providing an optimal pattern of site development. A lesser number of units would result in underutilization of the parcel, which has remained vacant for the duration of the PUD (approximately 20 years) because full utilization of the premises has not materialized. A lesser number of units may not be financially viable. Even if marginally viable, they would necessarily impose higher rental costs on tenants with no benefit from the reduction in the number of units;
3. Granting this variance would do substantial justice because the premises can readily accommodate sufficient onsite parking and has good, direct access to and from D.W. Highway. There would be a reduction in vegetation at the intersection with D.W. Highway to increase visibility for motorists. The only

practical use of the power line easement area is parking, given the unlikelihood and impracticality of constructing structures in the power line easement area. The southeasterly third of the premises, adjacent to the Crosswoods Path II single-family residential common area, works as a future buffer. No harm to the public occurs if the variance is granted; however material harm does occur to the applicant because, without the variance, adequate, practical development and best utilization of the premises is threatened;

4. The values of the surrounding properties would not be diminished because the premises are a component of a Planned Unit Development. The surrounding residential properties are similar in nature to the premises. Multi-family buildings exist already directly across Crosswoods Path Boulevard from the premises. Any nearby or surrounding properties that are not residential are not adversely affected, but perhaps even enhanced, given the proximity of additional residents who may use nearby business services; Multi-family dwellings are permitted in this area;
5. A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:
 - 1) No fair and substantial relationship exists between the general public purpose of the Ordinance provision and the specific application of that provision to the property because of the following special conditions: The premises are split zoned, portions lying within three different zoning districts. The premises are bisected by a 150'-wide power line easement, materially affecting potential uniform development. Constructing buildings within the 150' power line easement is at best impractical and most likely impossible. The northwesterly third of the premises is outside the 150' power line easement and adjacent to both D.W. Highway and Crosswoods Path Boulevard, constituting an isolated, developable triangle. The easterly third of the premises is adjacent to the common land of the PUD. Given its separation from the developable portion of the premises by the 150' power line easement, it is best utilized as an additional natural buffer, further enhancing separation between the developable portion of the premises and the single-family residential component of the PUD. The premises are at an isolated edge of the PUD, but with frontage on a major thoroughfare, along which are located a number of multi-family properties directly on it. Crosswoods Path itself contains multi-family buildings immediately adjacent to the premises. The premises are not located in a developed commercial sector, demonstrating the significant constraints in developing them for a relatively small, isolated commercial use, but enhancing their strength for development for multi-family purposes. It is reasonable to grant the variance to permit use of land for which commercial use has never come to fruition.

Density constraints frustrate seeing vitality in a planned residential development and the efficient use of land. It is not efficient if the property

languishes as a vacant parcel or is stymied for full utilization if only a smaller number of units is possible;

- 2) The proposed use is a reasonable one because the premises are already a part of a Planned Unit Development, situated directly across from existing multi-family buildings on Crosswoods Path Boulevard, adjacent to D.W. Highway and better utilized for multi-family dwellings rather than an isolated, stand-alone commercial use.

6. Stephen Chase & Robin Cousineau (applicant/owner) – Variance under Section 3.02 of the Zoning Ordinance to permit a two-lot subdivision with one lot having 90 feet of frontage whereas 250 feet is required. The parcel is located at 85 Woodward Road in the R-1 (Residential, by map) and Aquifer Conservation Districts. Tax Map 7A, Lot 007. Case # 2019-03.

7. Stephen Chase & Robin Cousineau (applicant/owner) – Variance under Section 3.02 (A) of the Zoning Ordinance to permit a two-lot subdivision with one lot having 61,160 sq. ft. of contiguous non-wetland area whereas 100,000 sq. ft. is required. The parcel is located at 85 Woodward Road in the R-1 (Residential, by map) and Aquifer Conservation Districts. Tax Map 7A, Lot 007. Case # 2019-03.

Lynn Christensen relinquished the chair. Patrick Dwyer resumed the chair.

Agenda items #6 and #7 were discussed together.

Attorney Brett Allard, Bernstein-Shur, Sawyer & Nelson, said that 100,000 s.f. of contiguous non-wetland area was not required when the lot was created in 1979. The larger of the two proposed lots with the existing house would be 5.6 acres. The amount of contiguous upland on the larger lot would not change; it would remain approximately 74,000 s.f. of contiguous land. The proposed smaller lot would have approximately 61,000 s.f. of contiguous land and 90' of frontage, therefore a Variance is being sought because the requirement is 100,000 s.f. of contiguous land and 250 feet of frontage. If the Variances are granted the petitioner plans to live on the smaller proposed lot and construct a new smaller home.

Attorney Allard read the Variance criteria into the record.

Public comment

Pamela & Carl Belmonte, 81 Woodward Road, had objections to each of the criteria. The distance from their right-of-way to Woodward Road was not addressed and the new driveway would be closer to them than the current driveway. They have difficulty seeing northbound traffic when exiting their driveway. The Belmontes claim that a 76% reduction in frontage would cause overcrowding of the lot and pose potential safety risks. Loss of their privacy, noise abatement and quality of enjoyment of their property would constitute an injury to them. Placement of the dwelling would have a negative effect on the value of their home and property and do them substantial injustice. The Belmontes asked whether a formal industry specific evaluation by an unbiased professional was done and said that the impact to the value of #79 and #81 Woodward

Road were not considered. They also objected to the buffer, because there would be clear and virtually unobstructed sight lines between their property and the applicant's lot once it is cleared for construction. That would impact their property value and privacy. The contiguous upland requirement was in force when the applicants purchased their home. They knew that the brook bisects the lot. So these are not hardships.

Chairman Dwyer and members of the Board assured the Belmontes that regulations and requirements specific to setback, drainage and other zoning requirements would be met through the Planning Board process if the petition is granted.

Kathy Mithoefer, 79 Woodward Road, said that access to her property is next to the railroad bed. She wanted frontage, contiguous upland and wetland requirements to be met with no exceptions.

Attorney Allard noted that one abutter has a variance for zero frontage. He said a direct sight line does not de-value a property. There would be a buffer and the applicants will work with their neighbors. Attorney Allard repeated that the lot has existed for 40 years and 100,000 s.f. of contiguous non-wetland area was not required when the lot was created in 1979. The large lot would have approximately 270' of frontage; the total frontage of the two lots would be approximately 370'.

Chairman Dwyer suggested adjusting the lot lines so there would be 120' rather than 90' of frontage to make the lot more conforming. The other members of the ZBA disagreed, saying that moving the line over the brook would create more confusion about the property line, conflict with the contiguous non-wetland requirement and ultimately still require a Variance. Baboosic Brook is a natural lot line.

The Board voted 4-1-0 to grant the frontage Variance, with the following conditions, on a motion made by Drew Duffy and seconded by Rod Buckley. Patrick Dwyer voted in opposition.

1. This variance is contingent on the Board granting the Variance under Section 3.02(A) of the Zoning Ordinance to permit a two-lot subdivision with one lot having 61,160 s.f. of contiguous non-wetland area whereas 100,000 s.f. is required.
2. The petitioner shall obtain Planning Board approval for the proposed subdivision.

The Board voted 3-2-0 to grant the contiguous non-wetland area Variance, with the condition that the petitioner shall obtain Planning Board approval for the proposed subdivision, on a motion made by Rod Buckley and seconded by Kathleen Stroud. Patrick Dwyer and Lynn Christensen voted in opposition.

Findings of Fact

1. Granting the variance would not be contrary to the public interest because due to the size of both lots, there will not be any overcrowding or congestion. There are about 140' between the existing driveway on the parent lot and the proposed driveway on the proposed lot, which will minimize any traffic safety risks. Given the substantial size of the proposed lot, there is sufficient area for both drainage

and the proposed subsurface waste water disposal system. The proposed lot can adequately accommodate the proposed dwelling and incidental features and will not threaten the public health, safety or welfare;

2. The spirit of the Ordinance is observed because the proposed lot line has been determined and depicted in such a way that the parent lot is not made any more non-conforming with regard to its contiguous upland area;
3. Granting this variance would do substantial justice because there is no injury to the public if the variances are granted. The loss to the applicant when balancing public and private rights outweighs any loss or injury to the general public. There is no gain to the public if the variances are denied;
4. The values of the surrounding properties would not be diminished because the proposed lot is densely wooded and such a buffer will shield sight lines into the proposed lot from the south and east. The proposed dwelling is set back more than 350' from Woodward Road, practically eliminating any impact on the property across the road (which has driveway access off Parkhurst Road, not Woodward Road). If the variances are granted, the applicant will be required to seek subdivision approval from the Planning Board, which will ensure that any improvements to the proposed lot will not diminish surrounding property values;
5. A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:
 - 1) No fair and substantial relationship exists between the general public purpose of the Ordinance provision and the specific application of that provision to the property because the property is uniquely bisected by Baboosic Brook. Other properties in the area are either not impacted by Baboosic Brook or it runs only through a small portion near their outer boundaries, having little to no effect on any reasonable proposed development. There is no threat of overcrowding or congested development due to the approximately 7.85 acres on the two lots. The proposed lot will have its own driveway, which will be adequate to facilitate resident and emergency response vehicles. Increasing the frontage on the small lot would make the contiguous area of the large lot more non-conforming and require a third variance. The Planning Board will ensure safety measures during its review process. Because the wetland area on the proposed lot is essentially limited to a small portion on the northerly boundary of the lot, there is sufficient buildable area on the southerly portion of the proposed lot to facilitate drainage and the proposed subsurface waste water disposal system. The wetland is a natural barrier for two independent lots.
 - 2) The proposed use is a reasonable one because a single-family residence is permitted in the R-1 District.

8. Discussion/possible action regarding other items of concern

It was announced that there is an applicant for the vacant full-time seat and possibly for the vacant alternate seat.

9. Approval of Minutes – January 10, 2019

The minutes of January 10, 2019, were approved as submitted, by a vote of 4-0-1, on a motion made by Lynn Christensen and seconded by Drew Duffy. Rod Buckley abstained.

10. Adjourn

The meeting was adjourned at 9:40 p.m., by a vote of 5-0-0, on a motion made by Drew Duffy and seconded by Kathleen Stroud.