



Raymond Planning Board
Raymond Broadcast Studio
Minutes*
Wednesday, February 12, 2014

Present: Chairman Robert O'Neill, Vice Chair Bruce Sanford, Greg Foster, Benjamin Krauter, Steve Linne, and William Priest.

Absent: None

Staff: Jim Seymour, Contract Planner; Mary Costigan, Town Attorney; Chris Hanson, Code Officer; David Mains, Fire Inspector; and Danielle Loring, Recording Secretary.

Applicant: Peter Smith (Agent), Eric Tarbox (Scout Director), Scott Martin (Facilities Manager), Walt Stinson (Engineer); Mark Gray (Agent), Bill Eaton (Engineer), Natalie Burns (Attorney).

Other: Charles Leavitt, Barbara Lovell,

1. Call to order: Chairman Robert O'Neill called the meeting to order at 6:59pm.

2. Consideration of Approval of Meeting Minutes:

- **January 15, 2014**

Motion: Steve Linne motioned to accept the minutes of January 15, 2014; seconded by Greg Foster.

DISCUSSION: None.

VOTE: MOTION CARRIED (5/0/1 ab WP)

- **January 29, 2014**

MOTION: Bruce Sanford motioned to accept the minutes from January 29, 2014; seconded by Steve Linne.

DISCUSSION: None.

VOTE: MOTION CARRIED (5/0/1 ab BK)

New Business Items:

3. Pre-Application

a) Boy Scouts of America

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**74 & 146 Plains Road
Map 009, Lots 014 & 042
LRR1 Zone**

Reason: Pre-Application conference to discuss potential projects for future Site Plan Review.

Mr. Seymour disclosed that there may be a potential conflict of interest because his firm, Sebago Technics, was completing the Storm Water Permit, but it was out of their Lewiston office. He also stated that he was not a principal officer for the company. The Board found no conflict or reason to recuse himself.

Mr. Seymour stated that the project was for a 100+ car parking lot, access road, dining hall, and new waste water disposal unit. He explained that this project was within the shoreland and residential zoning. He listed the areas of the ordinance that were to be referenced within the Shoreland Zoning Standards of the Shoreland Zoning Provisions and Major Site Plan Review of the Land Use Ordinance.

Peter Smith, Terry DeWan and Associates, representing Pine Tree Council (Boy Scouts of America) and introduced the other members involved in the project. He explained where the proposed work would be taking place and that the overall purpose was to improve the camp and complete renovations for increased safety.

Mr. Smith continued that the first phase to be completed was to upgrade the access drive. The existing road came into the camp and continued into lower camp sites. They were proposing a new 1600' access drive that would come around the outer edge of camp to keep large utility vehicles out of the center of camp. He stated that the existing road will be gated off and used for pedestrian traffic. He explained that a new parking area would be developed to better organize for drop offs and pick ups and this would include a trailer stacking area for baggage pickup.

Mr. Smith explained that there would be a multipurpose field, that had been used for shotgun and clay shooting. The existing range would be relocated and the site would be used for gatherings, sporting events and archery.

Mr. Smith stated that a later phase included building a new dining hall that would be for higher capacity.

Mr. Smith pointed out that there would also be an expansion of the existing shooting range. This would include keeping the short bay and expanding to include 3 long range bays. The system would utilize berms and ballistic sand.

Mr. Smith continued that the existing meeting center was going to have new larger septic system installed.

Mr. Seymour asked if the applicant had received the memo from the Raymond Fire Inspector, and Mr. Smith confirmed. He explained that to address the concerns raised, the dining hall would be served by the existing well and the applicant was intending to install a tank for a fire suppression system. The applicant was also looking into repairing the dry well that was up the street from the camp.

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Chairman O'Neill asked about emergency vehicle access. Mr. Mains explained that as the applicant continued through the planning process, they should be cognizant of emergency access but it looks like they were creating a road that met those standards. He would like the pedestrian path to be maintained for vehicle access for emergency response. Mr. Seymour asked if the applicant needed KNOX box, and Mr. Mains responded that they needed one per code and also gate keys. He was not sure of location of KNOX box because would like to have keys as emergency personnel entered the site.

Chairman O'Neill asked about the shooting range and noise pollution. Mr. Seymour explained that the shooting ranges were a historic use but the Scouts were looking to reduce the programs in order to reduce instances and hopeful that new location would reduce disturbance. Mr. Linne asked about direction of shooting, and Mr. Seymour showed where the ranges were going to be relocated and explained that they were to NRA standards for drop zones.

Mr. Sanford asked how the existing dining hall was going to be used, and Mr. Tarbox responded that it would be maintain and improved as a trading post.

Mr. Sanford wanted to ensure that any work included ADA requirements and should be part of the plans, and Mr. Tarbox stated that he believed that it was accessible

Mr. Sanford asked if the temporary septic system for Military going to be revegetated or left for the camp, and Mr. Stinson responded that they were going to leave the system in place in case the BSA needed it in the future.

Mr. Sanford was concerned with safety of shooting ranges, and Mr. Tarbox explained that there were lines around the perimeter of the shooting ranges, warning of the ranges, well in advance. He also explained that the scouts also have safety briefings. Mr. Sanford responded that he was still concerned with the lack of fence.

Mr. Hanson wanted to know if the shooting ranges had hours of operation or a management plan, and Mr. Tarbox stated that he was going to look into best practices and only going to have Scout related activities, and possibly community training, but they would no longer be supporting third party events at the ranges. Chairman O'Neill asked if there were flags flown when the range was hot in order to provide public visibility, and Mr. Tarbox explained that they did have a flag for internal use and inspectors on site.

Chairman O'Neill explained that the Town was in the process of changing the ordinances related to the project, but application would be under the existing standards and asked that the applicant consider the new standards when designing their project.

Mr. Linne wanted to know if the project was to accommodate more or existing campers and if the water supply was adequate. Mr. Tarbox explained that he had done projections, and the projected enrollment numbers were currently flat but there was some out-of-state interest. He explained that the facility was inadequate for current use, but the water supply was adequate

Mr. Sanford asked about the projects timeline and if there was time to complete a site walk. Mr Martin explained that the road was plowed and access was possible. Chairman O'Neill

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asked what their timeline for applying would be, and Mr. Smith explained that they were moving toward the March meeting. Mr. Linne asked when would they wanted to start construction, and Mr. Stinson explained that the military's schedule was April or May 2014. The Board scheduled a site walk for February 22nd.

Old Business:

4. Tabled Application

b) Town of Frye Island Cape Road & Quarry Cove Road Map/Lot: 002/011 & 070/006

Reason: Applicant is requesting a site plan review for a Park & Ride for ferry landing.

MOTION: William Priest motioned to remove the project from the table; seconded by Steve Linne.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

Mr. Seymour explained that there was a hearing held on October 23, 2013 and there were three items in the Shoreland Zoning Standards, as well as the Site Plan Review Standards, that needed to be addressed by the applicant. He reviewed the changes that he had discovered in the recent submission. These included additional clearing for site distance and gates would be added to the entrance and boulders would be placed seasonally to prohibit access. He explained that there was information submitted regarding the Frye Island survey and parking size explanation. He continued that the submission also included a letter addressing the vernal pools. He asked that the Board's discussion be turned to the applicant's engineer to review the Board's concerns.

Mark Gray, from JAMM, introduced himself and the individuals with him which included Bill Eaton, traffic engineer; Rick Jones, Jones Associates; and Natalie Burns, Frye Island's attorney.

Mr. Gray explained that that a survey of Frye Island residents had been conducted, as requested, by Mr. Eaton. Mr. Eaton explained that there were currently 525 residents and there were responses from 127 (27%) and found that 40% stayed on Frye Island for the summer and 20% were there several weeks and the remaining were only occasionally. He explained that there was uncertainty given that the results were extrapolated from the responses.

Mr. Eaton stated, that based on the results, the people most likely to use the parking was those that were there for the summer, because anyone staying for a shorter duration would need to bring their supplies with them and use their car to do so. He explained the conveniences of leaving a vehicle on the mainland and what would be the likely scenarios. He felt that 10% would use the mainland parking, which would be 55, and felt that a peak

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weekend would be 25 spaces based on current demand. The applicant was proposing 46 spaces to be some where in the middle. He added that there would put a monitoring system in place and would work with Raymond to develop that plan.

Chairman O'Neill asked the Board if there were any questions on the parking study and there were none. Chairman O'Neill asked Mr. Gray if he had any other comments on changes, and he did not.

Mr. Linne explained that he had done research on intersection safety and found that 40+% of accidents at intersections and those in a rural setting that involved a four leg intersection were twice as likely. He stated that the Board's job was to say whether the project was more safe than existing conditions, and he felt that they would be more dangerous with the proposed plan. He was also concerned with increased queuing and the potential of accidents caused by visibility issues. Mr. Sanford agreed and the issue that the applicant was not sure how the parking was going to be used. He was concerned that they could not say that it was the correct size as defined in the ordinance. Mr. Sanford was also concerned with whether it was an allowed use and municipal use. He referenced the Comprehensive Plan and explained that the context had always been used in terms of within borders. He found that any decisions of cross borders would need to be approved by both Planning Boards. He felt that the term "municipal" in the ordinance was referring to Raymond. Mr. Seymour reiterated that Town Attorney and Code Office had determined that it was an allowed use. He explained that the members could have their individual opinions but needed to review the application in terms of the ordinances and it was found that parking was an allowed use.

Mr. Sanford restated that he did not think that the applicant had justified the size of the project, and Chairman O'Neill explained that, based on the presented uses, the applicant exceeded the designed number of spaces. He felt that the design was going to replicate the current conditions of cars still parking along the side of the road. He was also concerned with whether the size was adequate and whether they were creating a situation that was safer than what existed.

Mr. Seymour explained that there was no unit or measure to require a certain number of spaces. His concern was how the parking was managed. He felt that the intention of the project was to take parking along the side of the road and put it on private land with Frye Island as a private entity.

Chairman O'Neill explained that he had not heard of complaints regarding parking along Cape Road, and Mr. Seymour stated that he felt that there was a safety issue along the road.

Mr. Linne stated that the project was brought to the Board as a mechanism to improve safety. He felt that the parking lot was making the site less safe. Mr. Sanford agreed and felt that the way to address the situation was to widen the road to improve queuing.

Mr. Gray stated that he understood the concerns regarding municipal use. He addressed the use of the lot and explained that the mix of users would be different depending on the day of the week because contractors would be using the lot during the week and not during the weekend when residential use would be heavier. He felt that they had produce evidence that the use was justified, and the applicant could have increased the lot if they were not confident with a lower number of spaces. He addressed the Board's concerns and the potential options

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suggested but this was the plan that they were presenting for their consideration.

Mr. Gray stated that he felt that the applicant was providing a plan that would alleviate an existing condition. He showed plans that demonstrated the issues that were caused by cars queuing along Cape Road and the potential for there to be a rear-ending accident due to the length that they spilled out along the road. He recognized that there were flaws with the application but did not feel that they were to the level that was depicted.

Chairman O'Neill wanted to know why the same plans continued to be presented that did not address the issues that have been presented by the Board. Mr. Gray stated that they could only propose on land that Frye Island owns and felt that what had been presented included improvements as well as met the standards of the ordinance.

Mr. Gray asked Mr. Eaton to speak about the intersection safety. Mr. Eaton stated that he had checked with the DOT and there were two (2) accidents in the last 23 years from Wawenock Road to Ferry Road. He explained that to be reportable, they would have needed to be in the value range of \$1,000 or more or involve an injury. He also explained that most of the traffic was familiar with the area and the layout, including the driving hazards. He describe the numbers of conflicts that were with three and four legged intersections and felt that it was more safe to have a crossing intersection. He did not think that anyone could predict the number of accidents given the variables involved. Mr. Linne felt that, based on information that Mr. Eaton had earlier presented, the design was statistically flawed and was less safe than the currently situation.

Mr. Sanford stated that if Frye Island and the Town of Raymond widened Cape Road and posted no parking, individuals would have to take their cars to the island.

Chairman O'Neill asked the Board to proceed with evaluation of the standards. Mr. Seymour continued with Shoreland Zoning Provisions Section 15, Item #1 that the site will maintain safe and healthful conditions.

MOTION: Bruce Sanford motioned that the applicant had presented a design that maintained safe and healthful conditions; seconded by Greg Foster.

DISCUSSION: Ms. Costigan explained that a written decision would be based off of the record and recommended stating them so that they could be included. Steve Linne asked about his studies that he had presented earlier. Mr. Seymour explained that the studies were biased information because only Mr. Linne had access to it, and Mr. Krauter added that, as a Board member, Mr. Linne could not enter evidence. Chairman O'Neill interjected that a member could make an individual vote for or against the project.

William Priest did not feel that the applicant had created a plan that maintained safety per the standards of the ordinance.

Bruce Sanford was concerned with the four way intersection having the merits to maintain the safe and healthful conditions that existed now, and Mr. Gray explained that not every car had to complete the loop.

Ben Krauter explained that he was new to the Board and did not see any of the previous

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information but did not see how the proposal was less safe than the existing conditions.

Natalie Burns asked to speak and was not allowed.

Chairman O'Neill asked what the Board felt would make the design safe. William Priest felt that the intersection was the issue because parking area made the site unsafe due to the creation of an intersection. Mr. Seymour clarified the safety issue and stated that the Board felt that the proposal was unsafe with the combination of the vehicular and pedestrian traffic crossing the road in the same area.

VOTE: MOTION FAILED [(SL) 1/4/1 (ab BK)]

Chairman O'Neill stated that the Board would continue through the remaining standards and directed the them to page 10 of the Planner's memo regarding the Site Plan Review Standards. He asked if would vegetation be replanted, and Mr. Gray confirmed. Mr. Seymour recommended a note on the plans that vegetation would maintained by applicant, not the town, and Mr. Hanson added that he want a note that in compliance with the DEP point system for tree cutting.

MOTION: Greg Foster moved that the applicant had met the requirement of Preservation of Landscape with the addition that the point system be maintained with the removal of the maple tree; seconded by William Priest.

DISCUSSION: Bruce Sanford wanted to know if the point system included trees that were to be cut to improve site distance, and Mr. Seymour stated that those trees did not reside within the shoreland buffer. Mr. Sanford asked if the other Board members had any issues with those trees being cut down but not replanted, and they did not.

VOTE: MOTION CARRIED (5/0/1 [ab BK])

Mr. Linne stated that Article 10.c was concerned with creating conditions that were not consistent with the neighborhood, and Chairman O'Neill stated that the project was not adding traffic. Mr. Linne explained that he was referring to during peak times, because the design was doubling traffic through the proposed intersection. Mr. Krauter felt that there would be less vehicular traffic if the cars are parking but there would be an increase pedestrian parking. Mr. Seymour agreed that the design was increasing traffic on Quarry Cove Road that did not currently exist.

Mr. Sanford asked if a board member could make a motion, even if he did not agree with the plan, and Chairman O'Neill agreed.

MOTION: Bruce Sanford moved that there was vehicular access on the plan; seconded by Greg Foster.

VOTE MOTION FAILED (2/3 [WP, RO, SL]/1[ab BK])

The Board discussed some confusion with the previous vote and considered a revote.

MOTION: Bruce Sanford motioned to request a revote because of how the discussion was

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going to tie into the decision; seconded by Greg Foster.

DISCUSSION: Steve Linne was concerned with the plan meeting the intention of the ordinance.

VOTE: MOTION CARRIED (5/0/1 [ab BK])

MOTION Bruce Sanford moved that vehicular access was on the plan; seconded by Steve Linne.

VOTE: MOTION FAILED ([GF] 1/4/1 [BK])

Chairman O'Neill announced that the next standard was "Parking and Circulation" criteria.

MOTION: Steve Linne moved that the project met the criteria for parking and circulation; seconded by Bruce Sanford.

DISCUSSION: Bruce Sanford referenced the primary issue of safety versus convenience and the necessity for people to leave their vehicles to enter an intersection. Robert O'Neill did not understand how the intersection was viewed as unsafe, and Mr. Sanford responded that the facilities needed to be safe and convenient but the increase of both pedestrian and vehicular mingling was not safe. Chairman O'Neill stated that he felt that the applicant was proving a means for the pedestrians to travel but understood how the increase of car traffic was unsafe.

Mr. Seymour clarified that the criteria needed to pass for both areas in order for the standard to be approved.

MOTION: MOTION FAILED ([GF]1/4/1 [ab BK])

Chairman O'Neill announced that the next standard was "Surface and Water Drainage" criteria.

Mr. Seymour stated that the Board needed to revisit this standard because the applicant now had their DEP Stormwater Permit approval.

MOTION: Bruce Sanford motioned that the surface water drainage that had been presented on the plan was acceptable; seconded by Steve Linne.

VOTE: MOTION CARRIED (5/0/1 [ab BK])

Chairman O'Neill announced that the next standard was "Water Supply and Waste Water Disposal and Underground Utilities."

Bruce Sanford noted that a letter needs to be presented from the utilities that they were aware of the project and felt that the standard should be tabled. Mr. Seymour recommended having the standard as condition.

MOTION: Bruce Sanford motioned to make it a condition that the power company and utility company submit letters that they were aware of the project; seconded by Greg Foster.

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DISCUSSION: Steve Linne asked if the motioned should include language that added the underground poles, and Mr. Seymour stated that it was part of the Ordinance so was not necessary.

VOTE: MOTION CARRIED (5/0/1 [ab BK])

Chairman O'Neill announced that the Board would be reviewing "Special Features."

Mr. Priest was concerned with keeping the lot clean. Mr. Seymour was concerned with their being no security feature.

Mr. Sanford asked about trash pick up, and Mr. Gray explained that it was carry-in-carry-out, because it was a parking lot. Mr. Seymour asked if there were any receptacles at landing, and Mr. Gray responded that there was an office and they would have receptacles. He added that it was not intended as an area that would generate trash but, if there was trash, staff would be policing the lot and cleaning the area. Mr. Sanford stated that he did not see anything in the ordinance that would mandate trash storage. Mr. Gray stated that he did not think that was an issue to date but staff would pick up if it did occur. He was concerned with providing receptacles and encouraging trash drop off.

Chairman O'Neill mentioned that the applicant had talked about a written maintenance plan. Mr. Sanford felt that maybe submitting the plan was made a permitting requirement. Mr. Gray suggested putting the requirement as a note in the section about clean up. Mr. Krauter stated that it would fit in item K. A Frye Island resident spoke up and explained that there was a transfer station on Frye Island.

MOTION: Steve Linne moved that the applicant had met the requirement for special features under Site Plan Review; seconded by Greg Foster.

DISCUSSION: None.

VOTE: MOTION CARRIES (5/0/1 [ab BK])

Chairman O'Neill announced that the Board would be reviewing the standard for "Exterior Lighting."

Mr. Seymour stated that the Board had been give a lighting plan with candle light measurements that met requirements. Mr. Gray stated that the lighting was lowered to twenty-five feet (25').

MOTION: Greg Foster motioned that the applicant had met the requirement for Exterior Lighting; seconded by William Priest.

DISCUSSION: None.

VOTE: MOTION CARRIED (5/0/1 [ab BK])

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Chairman O'Neill announced that the Board would be reviewing the criteria for "Emergency Vehicular Access."

Mr. Linne asked if there were going to be issues in the winter months, and Mr. Seymour explained that it was not an issue because it would now be blocked.

MOTION: Greg Foster motioned that the standard for Emergency Vehicle Access had been met; seconded by Steve Linne.

DISCUSSION: Bruce Sanford felt that there should be a statement that the access needed to be provided that it would need to be plowed during the winter months, and Mr. Krauter added that was only if it was not blocked. Mr. Seymour agreed but the applicant would need to have the Ferry Landing Road maintained in the winter.

VOTE: MOTION CARRIED (5/0/1 [ab BK])

Chairman O'Neill announced that the Board would be reviewing the "Landscaping" criteria and asked if there were there any other concerns that had not been addressed previously.

Mr. Seymour explained that the plan now included some plantings.

MOTION: Greg Foster motioned that the applicant had met the criteria of landscaping; seconded by Bruce Sanford.

DISCUSSION: Bruce Sanford asked if there needed language about point system, and Mr. Seymour explained that it was already covered under the "Preservation of Landscape" criteria.

Chairman Robert O'Neill asked if there was language for breaking up parking, and Mr. Seymour Explained that it was in line with plan.

VOTE: MOTION CARRIED (5/0/1 [ab BK])

Chairman O'Neill announced that the Board would be reviewing the criteria for "Item k Enforcement Consideration" including solid waste removal.

Mr. Seymour suggested putting a condition that the applicant was responsible for solid waste removal.

Chairman O'Neill asked about the maintenance of storm water, and Mr. Seymour explained that it was captured under the DEP Stormwater permit and that cleaning would be captured under the specific maintenance plan outlined associated with the permit. Mr. Gray agreed and added that the permit needed to be re-certified every 5 years. He suggested making a condition that Frye Island staff would keep the lot free of trash.

MOTION: Bruce Sanford motioned that the applicant will keep the lot free of trash and that the lot will be policed periodically; seconded by Greg Foster.

DISCUSSION: None.

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VOTE: MOTION CARRIED (5/0/1 [ab BK])

Mr. Seymour explained that the Board needed to go back and get the one vote skipped that was in the Shoreland Zoning Standards, which was Provision 9 and referred to his memo.

Ms. Costigan referred the to page 8 of the memo and asked that they reiterated why #9 was on hold, specifically Item G, which related to the size of the parking lot being consistent with the use.

Mr. Seymour stated that it was an issue of the Board choosing to revote based on the new information or leave the 2/3 vote. Ms. Costigan explained the different standards being considered

MOTION: Robert O'Neill that the applicant was compliance with Section 15 of the Shoreland Zoning Provisions; seconded by Greg Foster.

DISCUSSION: Chairman Robert O'Neill explained why the Board was voting on the issue.

VOTE: MOTION FAILED (1 [GF]/4/1 [ab BK])

Ms. Costigan explained that the next was the step to give the staff direction to move forward to draft a decision before making the final vote

MOTION: Robert O'Neill motioned to direct staff to prepare a finding of fact for the denial of the applicant for the Park & Ride Facility presented by Frye Island, based upon the Board's deliberations tonight and previous meetings; specifically having found that the applicant failed the standards for "Safe and Healthful Conditions" and proper sizing of the project per Section of 9 of section 15 of Shoreland Zoning Standards; seconded by Bruce Sanford.

DISCUSSION: Chairman Robert O'Neill explained the process that was going to occur.

VOTE: MOTION CARRIED (5/0/1)

5. Review of Bylaws

Mr. Seymour presented potential change to the bylaws that included that written approval for staff review be forwarded to the Planning Board for approval. He asked if there were other items that they should be reviewing.

Chairman O'Neill asked the Board to review the Bylaws and bring any suggestions to the next meeting.

Mr. Seymour stated that another item for discussion was how the Board wanted to handle findings of fact. Ms. Costigan suggested directing staff to draft language, and Mr. Seymour responded that there could be delays because the Board only met once a month. Ms. Costigan explained that it did not include an approval vote because the clock does not start the appeal clock until they are approved. The Board agreed that they were concerned with holding up approvals. Chairman O'Neill felt that they could go through checklist, and Mr. Seymour felt that it was consistent with what he was already doing.

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6. Planner Communications

7. Adjournment

MOTION: William Priest motioned to adjourn; seconded by Greg Foster.

VOTE: UNANIMOUS APPROVAL (6/o)

Chairman Robert O'Neill adjourned the meeting at 9:43pm.

Danielle Loring
Recording Secretary