



Fremont Board of Adjustment  
April 22, 2014  
Meeting Minutes

Members present: Chairman Doug Andrew, Member Dennis Howland, Alt Leon Holmes, Sr., and Alt/recording Secretary Meredith Bolduc.

Mr. Andrew opened the meeting at 7:10 pm.

At the August 25, 2009 meeting Mr. Andrew designated Alternate Meredith Bolduc to fill the vacancy on the Fremont Board of Adjustment until such time as the Selectmen have appointed someone to serve as a full Board Member to fill that vacancy. That appointment remains in effect.

Mr. Andrew designated Alternate Holmes as a voting Member in Mr. Downing's place for tonight's meeting.

#### MINUTES

Mr. Andrew made the motion to accept the minutes of the March 25, 2014 meeting as written. Motion seconded by Mrs. Bolduc with favorable vote except for Mr. Holmes and Mr. Howland who abstained as they were not present at that meeting.

Case #014-003  
Mark & Laurie Pitkin  
9 Squire Road, Map 5 Lot 039

Present: Owner Mark Pitkin, Surveyor Timothy Lavelle, Abutters Steven Harms, Terence Wilkins, and Doug Brown.

Mr. Andrew opened this Public Hearing at 7:10 pm and read the notice of the Public Hearing as follows:

*In accordance with NH RSA 676:7, you are hereby notified that the Fremont Zoning Board of Adjustment will hold a Public Hearing at 7:00 pm on Tuesday April 22, 2014 at the Fremont Town Hall, downstairs Land Use meeting room, for Mark & Laurie Pitkin, 9 Squire Road, Fremont, NH.*

*The applicants are seeking a Special Exception from the terms of Article IX Section H as set forth in the Town of Fremont Zoning Ordinance to allow dredging, filling and drainage, and otherwise altering of the configuration of the land resulting in the creation of an approximately 26,000 sf. pond on their property located at Map 5 Lot 039-001. You are invited to appear in person or by counsel and state reasons why the appeal should or should not be granted. Written comments will be accepted up until the date of the hearing.*

Mr. Andrew read Article IX Section H of the Fremont Zoning Ordinance.

Mrs. Bolduc stated that because Mr. Pitkin is her nephew she is removing herself from participating as a voting Member of the ZBA in this case. She said she has found that as Land Use Administrative Assistant she can still take and transcribe the minutes as well as any other procedural duty, but she feels it would appear to be a conflict of interest if she participated as a Member of the ZBA for this case.

Mr. Andrew related to applicant Mark Pitkin that there is not a full Board present and that he has the option of waiting for a full Board for making any decision. He explained that it takes concurring votes of three voting Members of the Board to decide in favor of an applicant (or reverse any action of the administrative official). Mr. Pitkin opted to continue with the three members present.

Mr. Andrew reported that this hearing was noticed on March 28, 2014 at the Fremont Post Office and Fremont Town Hall and in the April 4, 2014 edition of the Manchester Union Leader Newspaper. The applicant and all abutters were notified via certified mail on March 28, 2014 and all returns have been received except for abutter Bonito. The application consisted of a cover letter of intent for each action, six sets of plans, a current abutters list, proper check amount and a March 25, 2014 letter of denial from the Fremont Building Official/Code Enforcement Officer.

Mr. Andrew explained that a Special Exception is a specific, permitted land use that is allowed when clearly defined criteria and conditions contained in the ordinance are met. He explained the procedure for a Special Exception and stated that the three questions which must be answered to decide whether or not a Special Exception can be legally granted are:

1. Is the use one that is ordinarily prohibited in the district?
2. Is the use specifically allowed as a Special Exception under the terms of the ordinance?
3. Are the conditions specified in the ordinance for granting the exception met in the particular case?

The Board received letters of referral from the Planning Board, the Fremont Building Official and Code Enforcement Officer as required by Article IX Section H. There was no letter of referral from the Conservation Commission.

Comment sheets were received from (comments in *italics*)

Fire Chief: *A dry hydrant with a gravel pad would be useful in that area.*

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Planning Board: *Refer to zoning, but request setback be more than 10'.*

Police Chief: *No concerns.*

Conservation Commission: *See attached letter.*

At the April 7, 2014 Conservation Commission meeting the Members discussed this application and as a result of the discussion the Members agreed to the following:

- *The Commission is questioning how the project can be “constructed as to minimize the detrimental impact of such uses of the wetland..” per the RCCD letter.*
- *The Commission feels that there is need for further information regarding how the plan meets the productive use of the land and the effect of increased evaporation rate on the hydrology of the wetlands water table. Specifically the Commission is concerned that the construction of a pond and overflow will increase evaporation and have detrimental impact on the surrounding groundwater table and wetland hydrology.*
- *The Commission also questions how a pond fits the criteria of “essential productive use of the land” as per Zoning Article IX Section H.*
- *The Commission also shares RCCD’s concerns that there are no depth specifications information in the plan.*
- *Chrm. Knee will draft a letter summarizing the Commission’s concerns for distribution to the Planning Board and ZBA within the 30 days required by the Ordinance.*

The Conservation Commission’s concerns listed and addressed in the Earle Chase letter.

- *Board of Selectmen: Selectmen again discussed the Plan Comment Sheet for construction of a pond on parcel 05-039.001. This has been forwarded to the Board because the applicant is the Town’s Road Agent, thus as the Road Agent he cannot comment on the plan. The Board reviewed the Conservation Commission minutes of 04/07/2014 and the Rockingham County Conservation District letter of 04/04/2014.*

*The Board of Selectmen decided they will be comfortable with the application if the following issues as raised by the Fremont Conservation Commission and Rockingham County Conservation District are met:*

- 1. Construct such as to minimize the detrimental impact on the wetland.*
- 2. Provide further information about evaporation and effect on the hydrology and the water table.*
- 3. Provide a description of how the pond will fit the productive use of the land.*
- 4. Provide depth specification of pond on the plan.*
- 5. Specify on the plan what the intent is for the excavated soil.*

*Selectmen also discussed that they would review the proposal again if it is approved by the Zoning Board of Adjustment, as it will then go to the Planning Board for excavation review.*

The Board also received the following April 4, 2014 report from Michael Cuomo of the Rockingham County Soil Conservation Service as required by the Ordinance.

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*This report is in reference to Mr. Pitkin's proposed pond located at 9 Squire Road in Fremont, NH. A special Exception from the Wetland and Watershed Protection District article IX Section H is required for altering the land surface within the Water shed Protection Area.*

*This review included a site visit on 2 April 2014 and an office review of the 2 sheet plan set prepared by Lavelle Associates dated 14 January 2014.*

- 1. The wetland delineation by Tim Ferwerda, CWS #39 meets professional standards.*
- 2. The plan states "all construction on the site shall be conducted in a manner consistent with the recommendations provided in the New Hampshire Stormwater Manual – Volume 3- Erosion and Sediment Control During Construction as published by NHDES December 2008 and New Hampshire Stormwater Manual – volume one-Stormwater and Antidegradation as published by NHDES Dec. 208" The work in progress should be inspected occasionally by the Code Enforcement Officer to ensure erosion control measures are installed and maintained properly.*
- 3. The applicant should state for the record what is to be done with the excavated soil. The Board should be satisfied that it will not be placed in wetlands or the Watershed Protection district without a permit.*
- 4. The plan gives no information about the depth to which the pond is to be dug or the amount of material proposed to be removed. The Board should determine whether this activity is subject to Fremont's Excavation and Reclamation Regulations.*

*I believe this project can be "constructed as to minimize the detrimental impact of such uses upon the wetland and watershed protection areas" (zoning IS.H.2) if done in compliance with the erosion control conditions set forth on the plan.*

The Board received an April 18, 2014 letter from Certified Wetland Scientist #181/Environmental Consultant Earle Chase. The following is the entire content of Mr. Chase's letter as it includes and addresses all of the concerns of the Fremont Conservation Commission which are **bolded**.

*I have been requested by Mark Pitkin to provide the Planning Board with further clarification and a professional counterpoint to the April 13, 2014 letter prepared by Fremont's Conservation Commission. First, I should qualify my expertise. I have worked in the wetlands sector for the last twenty five years. This includes working for Gove Environmental, the DES Wetlands Bureau, and West Environmental, respectively. Currently, I divide my time between environmental consulting (specializing in wetlands), and a \$105,000 contract with the DES Watershed Department where I oversee salt reduction in the stretch of Interstate 93 from Salem to Derry (here, the four adjacent watersheds are impaired with chloride loading). Of noteworthy attention, I was appointed to the Wetlands Council by then Governor John Lynch in 2012. Although I was unable to fill this post at the time, the appointment helps reinforce my extensive knowledge and reputation in wetlands.*

*I might add, I have specific knowledge of the project site and the adjacent prime wetland (identified as Prime Wetland # 16) and adjoining wetland system. I have personally surveyed this prime wetland for the Town of Fremont while employed for West Environmental. This included completing the aerial photo interpretation and determining the prime wetland boundary, verifying the prime wetland boundary on the ground, identifying and classifying each component of wetland using the USF&W classification system within the larger prime wetland, providing photo documentation of the wetland resource attributes; and lastly, completing a full functional and value assessment of this prime*

wetland. It might also be of the Planning Board's interest that I met on site at the Pitkin property with Mark West, Fremont's wetland scientist, on 10/04/2012 to negotiate and flag this particular prime wetland boundary on-the-ground.

Below, I will discuss each item of concern by the Fremont Conservation Commission identified in their letter of April 13, 2014.

**1. Positioning the pond 10 feet from an existing wetland is in complete disregard of the one hundred foot setback established by the Town Ordinance to prevent deterioration of our wetland's capacity to store and purify ground water. The Pitkin's are requesting that 90 % of the green buffer protecting the wetland be removed in order to construct a pond. From the site map, it appeared to Commission members that the pond could be constructed without compromising the setback by reducing the size of the proposed pond, moving the location of the proposed pond closer to the house or a combination of the two suggestions.**

Response: As I understand the local regulation, the required setback is 100 feet from the prime wetland boundary (established "on-the-ground" with flagging on 10/4/2012 with Mark West, Fremont's wetland scientist). I would note that in places along this specific prime wetland boundary, adjoining wetlands (less wet) sometimes extend landward from this boundary (i.e., inward towards Mr. Pitkin's backyard area). It is a common standard to establish the prime wetland boundary using Hydric "A" criteria (the wettest soils) and presence of wetland vegetation that can survive these more inundated soil conditions (for example, marsh plants). My point here is that the inner prime wetland boundary (more wet) and outer wetland boundary (less wet/characteristic of Hydric "B" soils) are two individual/separate delineations - the outer wetland land boundary can sometimes be misidentified as the prime wetland boundary.

It is also my understanding that Mr. Pitkin in working with Lavelle Associates has positioned the proposed pond 100 feet from the established prime wetland boundary. This recognizes the Conservation Commission's concern for safeguarding the prime wetland.

It should be noted that on a few occasions now the NH state legislature has debated removing the state 100 foot prime wetland setback requirement as it is oftentimes considered a hardship by many, makes it difficult to fulfill many land management objectives (especially forestry where a waiver is required to harvest timber), and is considered to be intrusive to folk's property rights.

It would be my observation that based on the proposed position of the pond that the existing "green" wetland buffer will be only affected at the proposed pond's edge. The remaining prime wetland's buffer is largely undisturbed on the south, west and north. I would also contend that the proposed pond would most likely accentuate the prime wetland's overall function and value by providing an adjacent open water component and increasing the general diversity and habitat value of the adjoining landscape.

Mr. Pitkin has proposed to build a pond which seems to be a compatible adjacent land management activity when other more impacting activities near a prime wetland could be much more detrimental. When reviewing the adjacent land usage to Prime Wetland #16, there is currently residential

*development on the east, both an individual composting and a gravel extraction operation on the north, and a well-travelled Class VI road on the south. The pond proposal by Mr. Pitkin appears to be a well thought out alternative and less impacting overall.*

***2. Exposing the ground water right next to the wetland could have a detrimental effect on the adjacent wetland by lowering its water table. Exposing 26,000 sf. of ground water will low the water table though increased evaporation rates by as much as 224 gallons per hour during the warmer months. In turn, accelerating the lower of the water table could have a significant, detrimental affect on the wetland, its wildlife and vegetation. Without a study of how construction of the pond will impact the adjacent wetlands, there is no possible way to state that construction of the pond 10 feet from the wetland can be done in such a way as to “minimize any detrimental impact” upon the wetland.***

*Response: Prime Wetland #16 is extensive in acreage and size with a leg to the north, a second leg to the northwest, and a third leg to the southwest. Three individual stream channels merge within this wetland contributing to a significant main stream flowage. Prime Wetland #16 makes up the upper headwaters of Brown Brook. The wetland’s hydrology (evidence of water) supports the wettest of wetland plants indicating ample and sustained hydrology. For those interested, the amount of flowage originating from Prime Wetland #16 can be viewed where it crosses underneath Beede Hill Road just south of the intersection with North Road.*

*The installation of this proposed pond should not alter the wetland system’s overall hydrology or lower its respective water table. It is quite commonplace and a standard practice that a pond be constructed at the edge of a wetland or even within a component of that wetland. The proposed pond should fill quickly as equilibrium with the wetland is reached. The excavation that is created for the pond, if anything, will provide additional flood storage capacity within the larger wetland system. Neither wildlife nor vegetation is expected to be affected. The request for a study, first, would be cost prohibitive and an unnecessary burden on the landowner; and second, appears to be based somewhat on potential evaporation loss. For years ponds have been built near wetlands here in NH without either short or long term effect.*

***3. Conservation Commission members do not understand how construction of the pond is “essential to the productive use of the land” (Article IX Section H. 2) and therefore eligible for being granted a Special Exception. Without an explanation being offered, construction of a private pond for personal enjoyment does not appear to rise to the standard of being essential nor meet the intent of this Exception.***

*Response: The addition of a pond normally adds to the productivity of a tract of land. An open water component that a pond provides generally compliments any existing habitat by increasing land form diversity. Several studies conclusively show that a surface water (the pond) increases usage by a variety of wildlife species. The proposed pond’s immediate proximity to a prime wetland increases the overall functions and values within that prime wetland. The main seven functions and values in which a wetland is assessed for, are all either sustained or increased in rating. The pond could be additionally stocked with fish adding to the land’s overall productivity capacity. Ponds may also provide other “essential” services including a dry hydrant to supply readily accessible water in the event of a fire, not only to the landowner, but the nearby neighborhood. I’m not sure where I have ever observed a properly designed pond that has altered a landscape in a harmful way or on the*

*other hand, where any beneficial land management activity would be considered totally “essential” or critical to the production capability of any tract of land.*

***Based on these concerns, the Fremont Conservation Commission recommends that the Fremont Zoning Board of Adjustment carefully consider the following before granting a Special Exception in this case:***

***1. That construction of the pond could and should be outside the 100-foot wetland setback. This would act to “minimize the detrimental impact” on the adjacent wetlands and eliminate the need for a Special Exception.***

***Response:*** *As stated, it is my understanding that Mr. Pitkin in working with Lavelle Associates has positioned the proposed pond 100 feet from the established prime wetland boundary. This recognizes the Conservation Commission’s concern for safeguarding the prime wetland.*

***2. That the Zoning Board establish a reasonable explanation as to why construction of the pond 10 feet from an existing wetland is “essential to the productive use of the land”. Is this request needed for the productive use of the land or is it simply something wanted by the applicants and therefore not essential?***

***Response:*** *As stated, it is quite commonplace and standard protocol that when a pond is designed or engineered, it is oftentimes built at the edge of a wetland or even within a component of that wetland. The proposed pond should fill quickly and the equilibrium within the wetland maintained. A pond’s proximity to a wetland helps assure that there will be an ample supply of water to fill the pond and also helps to assure that a pond’s water level will be maintained over the long term.*

*A pond normally accentuates the productivity of a tract of land. An open water component that a pond provides generally compliments any existing habitat by increasing land form diversity. Relationship studies conclusively show that a surface water (the pond) will increase usage by a variety of wildlife species. The proposed pond’s immediate proximity to a prime wetland also increases the overall functions and values within that prime wetland.*

***3. That the Zoning Board of Adjustment require a study be completed to determine the impact construction of the pond will have on the water table and consequently on the adjacent wetlands with the granting of a Special Exception to substantiate how “minimal” the impact on the wetland will be. Without requiring a study that quantifies the impact on the wetland, the term “minimal” cannot be determined in this or future cases of Special Exceptions because of its subjective nature.***

***Response:*** *Based on the proposed scope and type of project (i.e., a pond) and its relatively small potential impact on the landscape, is the need for a study really merited? Is there a precedent in town now that warrants when a pond is proposed, a ground water study is deemed appropriate? I know sometimes this type of study is required of a larger residential or industrial development, but not normally for the installation of a small pond (as I am aware). Given the total acreage contained within Prime Wetland # 16 and the total cubic foot of surface water that it flowing, it seems unlikely that an adjacent pond construction will cause the wetland or the underlying ground water table to dry up. Ground water studies are very expensive requiring the installation of monitoring wells, months of test monitoring and interpretation. Again, based on what is being proposed by Mr. Pitkin, this seems*

*to be an unfair burden. In addition, Mr. Pitkin is Fremont's Road Agent. In this capacity he has served the town well and overtime has established solid and credible working relationships. Mr. Pitkin is well versed in operating the heavy equipment needed to excavate a pond and is aware of the best management practices needed to safeguard the adjacent wetlands.*

***4. That before granting a Special Exception, the Zoning Board of Adjustment require a plan detailing the specific steps that will be taken to ensure protection of the wetland before, during and after construction of the pond.***

***Note: With substantial documentation of increased severe weather events in New Hampshire, the effect the pond will have on the wetlands in the future is of concern – unfiltered nutrient influx, erosion and siltation being of particular concern during severe weather events.***

*Response:* *I am recommending that Mr. Pitkin through Lavelle Associates include both a "construction sequencing" section and an "erosion control detail" section on a revised set of plans. Although Mr. Pitkin is well versed in construction activities, including these two sections could help to assure the Conservation Commission that full and appropriate steps are being taken to install the pond correctly and that measures will be in place to protect the nearby wetlands. The construction sequencing provides a step by step explanation of the construction needed to construct the pond. The erosion control section will provide details on the individual measures that will be implemented to safeguard the adjacent wetland resource. This will include the separation/compartmentalization of the proposed work area with siltation fence or other comparable measure. Other measures will be implemented as needed. When construction sequencing and erosion control measures are employed, there is a minimal threat of sedimentation or de-stabilization.*

*The potential for a nutrient influx from this proposed pond during a future storm event appears low considering its position abutting a thick forest. A storm event is more likely to create surplus nutrients from fields that are fertilized or grazed by animals or where storm water is allowed to enter our adjoining wetland systems. In the worse scenario, during a severe storm, nutrient influx may occur but it would be minimal when compared to the nearby adjacent landscapes.*

***5. That before granting a Special Exception, a majority of the voting members of the Zoning Board of Adjustment make a site visit, that the pond's boundaries be clearly marked before the site visit and that a registered wetland scientist be present to verify the edge of the wetland and answer questions.***

*Response:* *As the Conservation Commission has suggested, it is a good idea to have the proposed boundaries of the pond staked/flagged on-the-ground before construction commences. It is also wise to clearly mark the outside wetland boundary so it is not inadvertently encroached upon. It is unclear at this time if this Special Exception also includes town waivers on the 100 feet to poorly drained soils and 200 feet to very poorly drained soils setbacks.*

*It is my understanding that at least three wetland scientists have been out to the Pitkin property. I can confirm that Mark West and I located and flagged the on-the-ground Prime Wetland Boundary. Tim Ferwerda was contracted by Lavelle Associates to mark the edge of wet (i.e, the wetland boundary).*



***6. That before granting a Special Exception, the Zoning Board of Adjustment require that the applicants seek written approval from the New Hampshire Wetlands Bureau for the project and follow all its recommendations for best practices before, during and after construction of the pond so as not to further degrade the wetland.***

*Response: Because the pond construction is proposed at least 100 feet from the Prime Wetland Boundary, it is unclear at this time whether the Wetlands Bureau would be in their jurisdiction to assert their authority. Most towns also have a building inspector or similar type enforcement person that can help to assure that when construction is performed, Best Management Practices for Construction/Erosion Control Measures are implemented as required.*

The Board received favorable letters from NH Certified Wetland Scientist Timothy Ferwerda and from the Fremont Building Inspector Robert N. Meade. These letters were read aloud by Mr. Howland.

The Board received an April 13, 2014 letter from abutters Terence & Vickie Wilkins opposing the proposed dredging, filling and drainage for the construction of the pond. Their concern is that the pond construction would adversely impact their drinking water supply since their home relies on a shallow well located at the edge of the wetlands on their property, which shares common wetlands with the Pitkin's property.

(See all letters in file)

As in his cover letter of intent Mr. Pitkin related that his intent is to dig a pond at 9 Squire Road of approximately 26,000 square feet. Mr. Pitkin submitted a plan drawn by Lavelle Associates and dated January 14, 2014 and revised April 16, 2014. This plan was stamped by Certified Wetland Scientist Timothy Ferwerda and shows the location of wetlands, prime wetlands, the proposed 25,500 sf pond, and the proposed gravel access for construction. The plan also shows the locations of the existing dwelling, sheds, septic well, and driveway. Notes on the plan are relative to purpose "to show a proposed pond with access driveway", wetland delineation, prime wetlands location, reference plans and note 5 stated that the site is not in a designated flood zone per the May 2005 F.I.R.M./F.E.M.A. map 331015C0215E. Revisions on the plan included the addition of note #3 "The pond will be excavated to a depth of approximately 17' " and note #4 "Approximately 8,000 yards of material will be placed on upland areas or removed from the site. No jurisdictional wetlands will be disturbed." All other notes remained and were renumbered.

The following statement is on the plan.

- *Landscaping & Stormwater Control: All construction on the site shall be conducted in a manner consistent with the recommendations provided in the "New Hampshire Storm Water Manual – Volume 3 – Erosion and Sediment Control During Construction" as published by the NHDES December 2008 and "New Hampshire Storm Water Manual – Volume 1 – Storm Water and Antidegradation" as published by NHDES December 2008.*

The plan showed proposed disturbance as close as 10' from the edge of a wetland in one area and

approximately 20' in several other areas. It was noted that this would be 80' to 90' into the 100' buffer of a designated wetland, but not within the buffer of the Prime Wetland #16. The Board discussed evaporation.

Mr. Lavelle showed where the Wilkins property and well is located. Mr. Holmes said that draining someone's well would be his greatest concern. Mr. Pitkin said that when the Board goes for a site walk they will see how wet the area is and he feels digging the pond will have no bearing on the neighbors well. Mr. Pitkin said if there is a problem with Mr. Wilkins well he has no problem with addressing it, but there is so much water in the area he does not see that it should be a problem.

In answer to questions by the Board Mr. Pitkin stated:

- There are about 8,000 cubic yds to be removed. He plans to remove the material, stockpile it onsite, and then taking it out gradually over the course of a year or two.
- He would have no problem with having a dry hydrant on the property. He can clean the road up so the fire trucks could easily get in.
- The purpose is to dig a pond that he has always wanted to do, stock it with fish.

Mr. Andrew asked if there were any concerns of the abutters. Mr. Wilkins said his only concern has been his 20' dug well. He said he still has a concern, but not as much as before he heard the letters from the Certified Soil Scientists tonight.

Mr. Howland said that in looking at article IX and reading the letter from Mr. Chase relative to 10' from wetland, it looks like Mr. Chase talks about his understanding that Fremont's zoning requires 100' buffer from a prime wetland when the reality is that the setback is 100' from any wetland. Mr. Howland said he would like to find out how large prime wetland #16 is. Mr. Lavelle said he could find the size and put it on the plan. Productive use of the land was discussed. Mr. Howland noted that special exceptions can be granted for recreation.

At 8:25 pm Mr. Andrew made the motion to continue this Public Hearing to 5:00 pm on May 14, 2014 pm at the Pitkin property at 9 Squire Road for the purpose of a site visit, and to 7:00 pm on May 27, 2014 at the Fremont Town Hall.

Motion seconded by Mr. Howland with unanimous favorable vote.

#### GENERAL DISCUSSION

The Board discussed the criteria for a Special Exception.

#### ZONING ORDINANCE AMENDMENTS

On March 11, 2014 the voters approved the following amendment to Article XVIII of the Fremont Zoning Ordinance.

- *Section 10.10 (a) Standards for Building Lots and Site Design*  
*Lot Shape and Size: House lots and building envelopes should generally be square or rectangular in shape and contain adequate upland area to accommodate average-sized*

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*houses and typical amenities such as garages, pools and sheds, including reasonable areas for expansion of these buildings. The minimum lot size shall be no less than three quarters ( $\frac{3}{4}$ ) of an acre or thirty two thousand six hundred and seventy (32,670) square feet per dwelling unit.*

At least one half ( $\frac{1}{2}$ ) of an acre or twenty one thousand seven hundred and eighty (21,780) square feet of contiguous land of every lot laid out (after the adoption of this amendment) for residential use shall be buildable land with soils dry enough to permit for installation and use of facilities for disposal of sanitary waste(s) disposal facilities and shall not have slopes exceeding twenty percent (20%).

- *Section 10.11 (e) Open Space Standards*  
*“Landscaping: Landscaping of common areas (such as community greens, cul-de-sac islands, and along both sides of new streets) ~~shall be landscaped with deciduous shade trees~~ may be required by the Planning Board”. The minimum caliper of trees along roadways shall be three (3) inches measured at a point six (6) inches above the root ball, and spaced every one hundred (100) feet along the road right-of-way. Species shall be deciduous shade trees and shall be salt tolerant.*

#### CORRESPONDENCE

There was no incoming correspondence received.

At 9:00 pm Mr. Holmes made the motion to adjourn.

Motion seconded by Mr. Howland with unanimous favorable vote.

Next meeting: scheduled for May 27, 2014.

Respectfully submitted,

Meredith Bolduc,  
Land Use AA/Recording Secretary