

**TOWN OF NEW BOSTON  
NEW BOSTON PLANNING BOARD  
Minutes of 2018**

1/9/18

1  
2 The meeting was called to order at 6:30 p.m. by Vice Chairman Mark Suennen. Present  
3 were Planning Board Chairman Peter Hogan, regular Board members David Litwinovich and Ed  
4 Carroll. Also present were Planning Coordinator Shannon Silver, Planning Consultant Mark  
5 Fougere and Planning Board Assistant Nadine Scholes.

6  
7 Selectmen Ex-Officio was not present.

8  
9 Present in the audience for all or part of the meeting were Jonathan and Jessica Willard.

10  
11 **Public Hearing on Petition to Amend the Zoning Ordinance**  
12 **SEE SEPARATE COPY OF PETITION AND PUBLIC NOTICE**

13  
14 Mark Suennen entered the public hearing notice into the record for the Petition to Amend  
15 the Zoning Ordinance. The Petition, presented by the property owners, Jonathan and Jessica  
16 Willard, to change the zoning district relative to Tax Map/Lot# 18/20, known as 20 River Road,  
17 from Residential-Agricultural “R-A” to Small Scale Planned Commercial “COM”.

18  
19 Peter Hogan asked if the Willard’s had a plan for their property if it were rezoned to  
20 Commercial “COM” and asked why they submitted the petition to change zoning without going  
21 to the Zoning Board for a Special Exception first. Jonathan Willard noted they did not know ex-  
22 exactly what would happen if the property were rezoned and explained that he believed it to be a  
23 hurdle to go to the Zoning Board. Peter Hogan noted that the Zoning Board had not denied  
24 many, if any, applications recently. Jonathan Willard asked if there had been any similar recent  
25 applications to the Zoning Board to change zoning on property in the Downtown area. Peter  
26 Hogan believed there had been a recent application submitted to the Zoning Board for a property  
27 in the Downtown area, he asked the Planning Coordinator, Shannon Silver, if she recalled the  
28 application. The Planning Coordinator noted that the only recent application to the Zoning  
29 Board would be the Hardware Store, which had been granted a Special Exception for an apart-  
30 ment on the 2<sup>nd</sup> floor. Jessica Willard asked if the Hardware Store had issues operating a busi-  
31 ness in the Residential-Agricultural “R-A” district. The Planning Coordinator noted that the  
32 property is currently zoned Commercial “COM” and required a Special Exception for allowing  
33 an apartment in the Commercial “COM” district, which is the exact opposite situation from the  
34 Willard’s property. Jessica Willard asked if there were any other situations that were exactly like  
35 the scenario they are currently faced with. Jonathan Willard said he believed the only other  
36 property in the Downtown area that would be similar was the Masiello Group, which had the  
37 change from Residential-Agricultural “R-A” to Commercial “COM” but that was many years  
38 ago.

39  
40 Jonathan Willard explained that he had the impression the Board was going to support the  
41 petition when he came for the information session a few months back. He explained he had done  
42 exactly what the Board had suggested and got the required 25 signatures to support the petition.  
43 He said now he felt the Board had received negative feedback from a letter they decided to send  
44 to all the property owners along River Road to see if they are interested in rezoning their proper

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**Public Hearing on Petition to Amend the Zoning Ordinance, cont.**

Jonathan Willard believed the negative feedback had now changed the consensus of the Board to not support his petition.

Peter Hogan noted that he personally did not have any issues on supporting the Willard's petition but from a Planning Board standpoint, he was hesitant because the public could view this as spot zoning. Jonathan Willard answered this situation would not be considered spot zoning, as it was not the Planning Board requesting the zoning change, it was the owner of the property requesting the zoning change.

Mark Suennen clarified the purpose for the public hearing was for the Board to vote on supporting, or not supporting the Willard's petition on the ballot. Either way, the petition would be going on the ballot.

Jonathan Willard asked how would it be presented to voters on the ballot if the Board decided not to support his petition. The Planning Coordinator, Shannon Silver, explained that the article would be written as Mr. Willard had submitted with the Board's position, either to approve or disapprove, noted under the article. Peter Hogan asked the Planning Coordinator if the wording would state the Planning Board 'approved/disapproved' or 'supported/not supported'. The Planning Coordinator noted this particular wording was approve/disapprove. Mark Fougere mentioned that the statute required the Planning Board's position be included under the article. Ed Carroll asked if the Board could take a 'no stance' or simply state that the Planning Board supports petitions submitted by residents. Mark Fougere answered no; the Board would need to vote on supporting the petition.

Jessica Willard referred to the concern that Peter Hogan had expressed earlier that they were not sure of what would happen after they rezoned their property to Commercial "COM". Jessica Willard noted that they had listed the property on the market, and there had been interested buyers that would want to operate a business from the property but most of them had concerns how the business would operate with current zoning as Residential-Agricultural "R-A". The Willard's stated they had to explain that the property is currently mixed use, with a residential apartment and business operation but not currently zoned for Commercial "COM" use. Peter Hogan asked if there were tenants currently living in the apartment. The Willard's answered yes, and noted the property has 2 residential units and the business operating in the back unit. Peter Hogan explained that if the property were to be rezoned to Commercial "COM" and there were no current tenants in the residential units that could create an issue for the property owner.

Jonathan Willard said that rezoning the property would make it more appealing to potential buyers looking for Commercial "COM" property in the Downtown area. Jonathan Willard referred to the survey done as part of the Master Plan, which had indicated that New Boston residents were interested in having more businesses in the Downtown area.

Peter Hogan stated that the way it was presented originally to the Board to rezone the one lot in the Residential-Agricultural "R-A" district, he believed it would have been viewed as spot

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1 **Public Hearing on Petition to Amend the Zoning Ordinance, cont.**

2 zoning if the Board were to support the change. He continued that now with the signed petition,  
3 showing support from other residents, he believed the Board could support the petition without it  
4 being viewed as spot zoning.

5  
6 Mark Suennen asked if the Willard's had anything further to express to the Board; they  
7 did not.

8  
9 Mark Suennen closed the Public Hearing for Board deliberations.

10  
11 David Litwinovich said that the language used in the example for the article, regarding  
12 the support of the Board, was confusing to him and could confuse some of the voters. The Board  
13 reviewed, discussed and decided on what the best language should be for the article.

14  
15 Mark Suennen read the full article language.

16  
17 Article 2. Are you in favor of the adoption of an amendment as proposed by petition for  
18 the Town of New Boston Zoning Ordinance, as follows:

19  
20 To Amend the New Boston Zoning Ordinance, Article II, Section 202, Zoning Map, by  
21 changing the zoning district relative to a parcel of land and buildings located in New Bos-  
22 ton, Tax Map/Lot # 18/20, known as 20 River Road, said site of approximately 0.410  
23 acres, from Residential-Agricultural "R-A" to Small Scale Planned Commercial "COM".

24  
25 The New Boston Planning Board approves/disapproves of the petition to amend the Zon-  
26 ing Ordinance as proposed.

27  
28 Peter Hogan **MOVED** to forward the petition to propose an  
29 amendment to the Zoning Ordinance as presented at this public  
30 hearing for a ballot vote in March 2018. David Litwinovich se-  
31 conded the motion and it **PASSED** unanimously.

32  
33 Peter Hogan asked if the Board should or wanted to take a pole on the petition.

34  
35 Mark Suennen stated he supported the Willard's petition. This would be in the best inter-  
36 est of the Town, as it would encourage more business in the downtown area.

37  
38 Peter Hogan agreed with Mark Suennen and supported the petition.

39  
40 David Litwinovich stated he personally does not fear the word spot zoning it is a misno-  
41 mer. He stated he supported the petition.

42  
43 Ed Carroll agreed with David Litwinovich on the word spot zoning being a misnomer and  
44 supported the petition.

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Peter Hogan asked if ‘unanimously’ should be added after ‘The Planning Board’ and before ‘approves of’, verses showing a vote count. David Litwinovich noted that without the Selectman Ex-Officio present at meeting, the vote could not be unanimous, that would imply that all the members were present at the meeting. Mark Suennen suggested the petition remain the way it was with the wording as ‘The Planning Board approves of the petition...’. All Board members present agreed.

Ed Carroll noted that he was not at the last meeting for the discussion but asked if the Air Force had given the indication that the Tracking Station land would be sold to a private party. He said there had been discussions at the previous meeting and was not sure why this all came about.

Mark Suennen noted that Kaleb Jacob had suggested the Board review the Tracking Station land for future use and add as a section in the Master Plan. Kaleb Jacob had told the Board that Mont Vernon had added a section in their Master Plan for the future possible uses of the Tracking Station land if it were ever sold to a private party. Mark Suennen stated he believed the Board had already done its due diligence during the review of a subdivision of a parcel that abutted the Tracking Station, restricting the lot to no further subdivision until the Tracking Station is turned over to private ownership. Mark Suennen said that although it was being discussed, he noted there had been no indication that the Tracking Station was being turned over at this point. Mark Fougere believed it would be known years in advance if the Tracking Station property were ever going to be sold or turned over to a private party and the Board would have plenty of time to review. Mark Suennen agreed and he believed it would be known at least 5 years in advance of turning it over. Ed Carroll believed that the Air Force/Government seemed to move stuff around a lot. Mark Suennen noted even if the Air Force were to close or relocate the Tracking Station, the Government would most likely hold on to the land. Ed Carroll asked if the Board would be further discussing this topic. Mark Suennen noted that discussion would be part of the Master Plan, which was next on agenda.

**Continued Discussion, re: Master Plan.**

Mark Fougere noted the Southern New Hampshire Planning Commission had recently hired a GIS mapping representative and he planned to meet with her to review the maps. The Existing Land Use map would need to be updated only to add more yellow in the east side to indicate the increase of single and two family homes. The Future Land Use map was last updated during the 2006 Master Plan. Mark Fougere said he would like the Board to suggest the areas for updated future land use. The current map legend indicated areas for Conservation, Limited Light Industrial, Multi Family Residential/Overlay, Residential-Agricultural, Open Space, Small Scale Commercial, and the Village District, which is basically downtown.

Mark Fougere suggested that the Board discuss the following items, expanding the Limited Light Industrial District to cover the Tracking Station in the southeast corner of town and could label that area as Mixed Use. Mark Fougere suggested the downtown ‘Village District’

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1 **Continued Discussion, re: Master Plan, cont.**

2 remain the same as it currently showed on the map. He believed the area on Route 114 that is  
3 identified Small Scale Planned Commercial should remain the same and also suggested this as  
4 the best area for a Multi Family Overlay, if it were to be accepted as an allowed use. He contin-  
5 ued that this area would have easy access to Route 114 and has the best potential for public wa-  
6 ter, as it is close to Goffstown's public water supply, although sewer probably would still be too  
7 far away.  
8

9 Ed Carroll asked if there are certain areas currently designated for Multi Family Residen-  
10 tial. He noted that it seemed the town only allowed one and two family dwellings. Mark Foug-  
11 ere noted that he was only offering the Board some suggestions/ideas to update the Future Land  
12 Use map. The last update to the map had been from the Master Plan update completed in 2006.  
13 Ed Carroll asked if the white areas on the map represented Multi Family Overlay Districts. Mark  
14 Fougere answered yes. He explained that this area was shown on the map in white along the  
15 Route 13 corridor from the center of New Boston to the Goffstown line. He expressed that this  
16 really did not make sense to him as shown along Route 13.  
17

18 Ed Carroll asked if there was anything that would prevent the development of Multi Fam-  
19 ily units. The Planning Coordinator, Shannon Silver, noted that the New Boston Zoning Ordi-  
20 nance does not allow for Multi Family development. Mark Suennen added that a Special Excep-  
21 tion would be required for allowing this kind of development. Ed Carroll mentioned that there  
22 are multi family units currently in New Boston off of Route 114. Mark Suennen responded that  
23 these units are duplexes, which are not considered multi family; these would only be dwellings  
24 with at least three or more units. The Planning Coordinator explained the only district that  
25 would allow for multi family dwellings would be Residential One "R-1", there are only a hand  
26 full of lots zoned as "R-1" currently. Mark Fougere mentioned that the results of the 2006 sur-  
27 vey did not show support for development of multi family units in New Boston.  
28

29 Peter Hogan stated that he remembered the committee that pushed to include the Multi  
30 Family Overlay District in the Master Plan. He believed it to be a mistake to allow this to be  
31 added into the Master Plan but the committee had argued that the Master Plan was a non-binding  
32 document and it had been added anyway. Peter Hogan believed it would be best to remove the  
33 area that had been identified on the map as Multi Family Overlay District on Route 13, if possi-  
34 ble. Mark Fougere agreed; he noted it did not even make sense where the pocket had been  
35 placed on Route 13. Mark Suennen noted that the Multi Family Overlay area shown on the map  
36 was along the river, which most of this land is owned by the Town and would be extremely lim-  
37 ited for any kind of multi family development. Mark Suennen suggested the Multi Family Over-  
38 lay District be removed from the map altogether. Ed Carroll asked how the Board felt in regards  
39 to housing diversity or should the Town continue only allowing single-family homes. Mark  
40 Suennen replied that based solely on the results from the 2006 survey, people in town like New  
41 Boston the way it is and that would be single-family homes. He explained that currently there is  
42 no outcry for apartment buildings. Until people change their opinion, the Board should not add  
43 something to the Master Plan that the residents did not desire for the future of New Boston.  
44

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**Continued Discussion, re: Master Plan, cont.**

Mark Fougere noted the Board should recognize the Work Force Housing Statue. Mark Suennen said the Board had addressed that with allowing accessory dwelling units. Mark Fougere suggested if the Board wanted to identify an area for a Multi Family Overlay, he believed that Route 114 would be the only area that would make sense for this type of development. Ed Carroll asked why wouldn't the southern part of town work for a Multi Family Overlay District. Mark Fougere asked where exactly. Ed Carroll said the area near the Tracking Station.

Ed Carroll asked if the Board agreed to remove the white corridor strip (referring to Multi Family Residential Overlay) along Route 13. Mark Suennen answered yes.

Mark Fougere mentioned that the Board had discussed some future uses for the Tracking Station land. These uses included Mixed use, Open Space, Industrial, Commercial, etc. Ed Carroll asked why wouldn't the Tracking Station land be considered for future use as a town park. Peter Hogan noted that there wasn't any interest in Town for a town park. Ed Carroll said he thought that veterans were already using the Tracking Station for recreation activities, such as hunting, hiking, etc. The Planning Coordinator noted that only veterans, active military and their families are allowed to use the Tracking Station land for recreational use.

Mark Suennen asked to clarify where the information came from that was used to update the Future Land Use Map. Mark Fougere noted that the information came from the 2006 Master Plan update. Mark Suennen noted that he would disagree that the whole Tracking Station parcel should be identified as Conservation. There are many other potential future uses other than Conservation. Mark Fougere suggested that the area next to the Tracking Station currently identified on the map as Limited Light Commercial in the southeast corner could be increased to cover the entire Tracking Station parcel.

Mark Suennen questioned why there was a section along Mont Vernon Road identified as Limited Light Industrial. Ed Carroll said he believed there were already businesses operating in this area. Mark Suennen said that the Existing Use Map doesn't show that area as commercial or industrial. Ed Carroll noted there is a place on Mont Vernon that rents and sells tractors. Peter Hogan noted that was called New Boston Truck and Tractor. Mark Fougere explained that some of the areas labeled Small Scale Commercial on the map might already be zoned as commercial.

Mark Suennen mentioned that the map showed a conservation area on Middle Branch and Twin Bridge Roads, this is no longer a gravel pit; this is all residential now. Mark Fougere noted he rather not suggest proposing conservation districts, he doesn't like that term. If the Board had areas of the community they would like to target as conservation, he would suggest identifying these just as open space. Ed Carroll asked what was the difference between land being open space versus conservation. Mark Fougere replied that the Town could purchase open space land. If it were conservation, the land could not be purchased by the Town and would be extremely restricted, a no growth zone. Ed Carroll asked if there are any areas that should be identified as conservation or should all the conservation areas on the map be removed. Mark Fougere stated that would be up to the Board.

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**Continued Discussion, re: Master Plan, cont.**

Mark Suennen asked if the density should be increased in the area that is labeled on the map as Limited Light Industrial on Route 13 and Route 77 to encourage more business along those major routes. Peter Hogan noted that the property owners in that area might have an issue with the increased density for commercial/industrial lots, even though this is only the Master Plan and non-binding. Peter Hogan wondered if increasing the potential commercial areas was even worth the effort. Mark Suennen proposed to identify the potential areas of commercial on the map with a softer term such as 'higher use' to identify these areas, and higher use areas would include allowed use for residential and/or commercial.

Ed Carroll asked to clarify the areas on map that showed as different shades of green. He believed the lighter shade of green identified Residential-Agricultural Open Space and the darker shade of green identified Conservation, which seemed to follow the bodies of water. Mark Fougere believed it to be difficult to differentiate the different shades of the same color on the map. He wasn't sure if this was the original he received or only the copies but it made it hard to identify the colors to the legend. The Board agreed.

Ed Carroll asked what areas should be identified as the term Mark Suennen had suggested as 'Higher Use'. Mark Suennen believed the area on Route 114 identified currently as Small Scale Planned Commercial could be changed to Higher Use. He also suggested that the area at the intersection, where Bedford Road meets Chestnut Hill Road, could be Higher Use. Ed Carroll noted that this area was already identified with a lighter shade of purple but couldn't match which color this was to the map legend.

David Litwinovich suggested that along Route 13 to the Mont Vernon town line and Route 77 to the Weare town line should be identified as Higher Use. Ed Carroll agreed.

Ed Carroll stated he had concerns that the term 'Higher Use' could be misunderstood. He suggested using 'Diverse Use' or 'Flexible Use' instead of 'Higher Use'. Mark Suennen said he would be in favor of using the term 'Flexible Use', if the Board agreed. Ed Carroll asked Peter Hogan for suggestions to generalize the map language. Peter Hogan replied that he doesn't believe the Future Land Use even needed to be mapped out. Ed Carroll asked if the Board should create a generalized statement or guidelines for future use instead of mapping it out. Peter Hogan noted the future land use section in the Master Plan could just identify the purpose for future land use, which would be to encourage commercial use along the major roads into New Boston, this way there would be potential for growth without identifying specific properties or areas. Ed Carroll asked Mark Fougere if a generalized statement with this language was good to start with. Mark Suennen noted he read there wasn't a requirement for how a Master Plan should be done only that it is required to have one. Mark Fougere agreed and noted the Master Plan was the desired vision for the town's future.

David Litwinovich said he thought there were many businesses already operating along Route 13, coming from Goffstown to the center of town. There is the restaurant, the garden center, the dog groomers, and the cement place. Even on Route 77, there is the auto parts store,

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**Continued Discussion, re: Master Plan, cont.**

Dodge's Farm and Sizemore's. He said it probably would create an uproar if properties along the major routes were ever rezoned as Commercial but the reality is a business could go in without it being an issue. He believed that all the arterial roads in New Boston could be identified on the map as Higher Use.

Ed Carroll asked if both sides of Route 13 going towards Goffstown should be Higher Use, because the properties on the side with the river may not have the room to allow for a business. David Litwinovich said it would be both sides; there are properties along the river that have enough land to be able to have a business and some lots that just would not have enough land for a business. David Litwinovich noted that the restaurant and the cement place on Route 13 were both lots on the side of the road between the river with adequate space for those businesses.

Peter Hogan noted this was only the Master Plan and felt the details were getting too specific. Mark Suennen noted that the Board had previously discussed the Master Plan should be less text and more pictures. Peter Hogan thought the Future Land Use might not be the best place for a picture.

Mark Fougere referred to the statute in regards to creating a Master Plan. It states the section for a Master Plan shall translate the vision statement and the physical terms based upon a study of population, economic activities, natural, historic and cultural resources, show existing conditions and proposed locations, and extent and intensity of future land use. Mark Fougere suggested there be a map showing blobs for identified areas for future land use.

Ed Carroll asked if Route 136 was considered as an arterial road. Peter Hogan was unsure but noted that out of all the major routes mentioned for possible commercial use; Route 136 had been left out. He believed Route 136 to be the only major route that doesn't really go anywhere to civilization and should not be identified as future commercial use. Most of the land was wet and not ideal for business growth.

Mark Fougere suggested the areas for future flexible use be concentrated into pockets where it would make the most sense and keep the rest rural areas. Mark Fougere referred to 101A heading into Merrimack, that would not be the ideal situation for New Boston, the people have expressed over and over they want the town to stay rural. Although 101A is an exaggeration, that would be an example of labeling a whole corridor as possible commercial use or flexible use. Ed Carroll asked Mark Fougere from a planning standpoint would this type of growth be recommended. Mark Fougere answered that in the right place this type of growth would have its benefits. He mentioned that 101A was started over 40 years ago to be what it is today. Mark Suennen noted that the corridor of 101A in Amherst and Nashua finances a lot of the Town's expenses. The idea would be to get a few pockets in New Boston with businesses that would help finance things like the New Boston Central School addition or a new fire station.



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1 **Continued Discussion, re: Master Plan, cont.**

2 Mark Suennen suggested that Mark Fougere complete the updates to the Existing Use  
3 Land Map before starting the update on the Future Land Use Map. Mark Fougere noted the dis-  
4 cussion regarding future use could be postponed until the next meeting when he had the Existing  
5 Use Map updated to reflect the most current assessing records. Mark Suennen noted that the up-  
6 dated map could be referred to as the 2017 conditions. The Board would have the updated Exist-  
7 ing Land Use Map and a blank map that could be used to identify the pockets for the desired fu-  
8 ture uses.

9  
10 **Miscellaneous business that may come before the Board and/or Planning Board discus-**  
11 **sions.**

- 12  
13 1. Approval of the November 28, 2017, meeting minutes, with or without changes. (distrib-  
14 uted by email)

15  
16 Mark Suennen **MOVED** to approve the meeting minutes of November  
17 28, 2017, with changes. David Litwinovich seconded the motion and  
18 it **PASSED** unanimously.

- 19  
20 2. Distribution of the December 12, 2017, meeting minutes, for approval at the January 23,  
21 2018 meeting, with or without changes. (distributed by email)

22  
23  
24 The Planning Coordinator, Shannon Silver, noted the Board had an email and a concep-  
25 tual plan from Ken Clinton that was not listed under Miscellaneous business. She mentioned that  
26 Vinnie Iacozzi had come to the Board for an informational session in the fall to discuss a concep-  
27 tual plan that presented a proposal to subdivide a lot owned by Thibeault into 5 residential lots  
28 with the remainder to be purchased by the Town.

29  
30 At this time, Ken Clinton is representing the Conservation Commission, who had reached  
31 an agreement with Thibeault. The conceptual plan showed what the Conservation Commission  
32 would like to propose for the portion acquired by the Town. The Planning Coordinator noted the  
33 proposed plan Ken Clinton had submitted only showed the portion of Tax Map/Lot #6/40, shad-  
34 ed in blue to do a lot line adjustment to extend the line to the property the Town currently owns  
35 across the street, along the river. This would all become Conservation. The Planning Coordina-  
36 tor told Ken Clinton that she would present the proposed plan to the Board to review before he  
37 submitted the official application.

38  
39 David Litwinovich asked if the Town owned land across the street ended at Gregg Mill  
40 Road, it was not shown on the plan. Mark Suennen stated that he believed the Town owned  
41 property line continued past Gregg Mill Road, as it was the river. The Planning Coordinator not-  
42 ed that Ken Clinton had used an old plan from 1998 to highlight the land the Town would ac-  
43 quire from the subdivision of Tax Map/Lot #6/40, and the current Town owned property.

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1 **Miscellaneous business, cont.**

2           The Board clarified that Thibeault had not yet subdivided the lot. That would need to be  
3 done before the Conservation Commission could submit merging the lot acquired from the sub-  
4 division and the lot that the Town already owned, shown on the plan as Tax Map/Lot #6/40-4.  
5 The Planning Coordinator noted the lot line would need to be created first by the subdivision and  
6 then would be an adjustment to make the Town owned land all one lot. Mark Suennen noted the  
7 consensus of the Board is in favor of the presented plan that Ken Clinton submitted.

8

9           Mark Suennen **MOVED** to adjourn the meeting at 7:44 p.m. David  
10 Litwinovich seconded the motion and it **PASSED** unanimously.

11

12 Respectfully submitted,  
13 Nadine Scholes, Planning Board Assistant

Minutes Approved: 02/13/18