

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

2/27/18

1
2 The meeting was called to order at 6:30 p.m. by Vice Chairman Mark Suennen. Present
3 were regular Board member David Litwinovich and Selectmen Ex-Officio Joe Constance. Also
4 present were Planning Coordinator Shannon Silver, Planning Consultant Mark Fougere and
5 Planning Board Assistant Nadine Scholes.

6
7 Present in the audience for all or part of the meeting were Jonathan Lefebvre, Marie
8 Stanger, Earl Sandford and Shiv Shrestha.

9
10 Absent from the meeting was Planning Board Chairman Peter Hogan and regular Board
11 member Ed Carroll.

12
13 **MOUTAFIS, MARTHA (OWNER)**
14 **MERIDIAN LAND SERVICES, INC (APPLICANT)**
15 Public Hearing/Minor Subdivision/2 Lots
16 Location: McCollum and Meadow Roads
17 Tax Map/Lot #14/97
18 Residential-Agricultural "R-A" District

19
20 Mark Suennen opened the public hearing.

21
22 Jon Lefebvre from Meridian Land Services, Inc., noted that a site walk had been com-
23 pleted on the property and he believed no issues were found. He also mentioned that the Board
24 wanted to hold off granting the waivers for the environmental and fiscal studies until the site
25 walk had been completed.

26
27 David Litwinovich stated that he had no issues from the site walk. He would be in favor
28 of granting the waivers requested.

29
30 David Litwinovich **MOVED** to accept the waivers requested
31 for the environmental and fiscal impact studies. Joe Constance
32 seconded the motion and it **PASSED** unanimously.

33
34 Mark Suennen noted that the waiver for the traffic impact study had been granted at the
35 prior meeting. All the waivers that had been requested were now granted.

36
37 Mark Suennen mentioned that a few minor corrections are required on Note 10. The
38 Planning Coordinator, Shannon Silver, reminded Jon Lefebvre that the waivers the Board had
39 granted would need to be noted on the plan. Jon Lefebvre stated that he would make these cor-
40 rections before submitting the final plan.

41
42 Mark Suennen stated that the Driveway Permit had been approved by the Road Agent
43 and the Board would need a motion to approve and sign off on the Driveway Permit.

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1 **MOUTAFIS, MARTHA (OWNER)**

2 **MERIDIAN LAND SERVICES, INC (APPLICANT), cont.**

3
4 Joe Constance **MOVED** to approve the Driveway Permit as sub-
5 mitted. David Litwinovich seconded the motion and it **PASSED**
6 unanimously.

7
8 Mark Suennen explained that the locus map was missing on the Individual Stormwater
9 Management Plan and would need to be added. He also mentioned that the Board had recom-
10 mended at the last meeting that Fire Fighting Water Supply be considered as a requirement for
11 the newly subdivided lot. Mark Suennen noted that although the Board could not make this a
12 requirement, the Board would encourage the applicant to consider it.

13
14 Mark Suennen asked Jon Lefebvre if he was familiar with the requirement for active and
15 substantial improvements. Jon Lefebvre answered that he would like this explained. Mark
16 Suennen explained that in order to protect the subdivided lot from any land use changes within a
17 5 year period, the applicant would need to propose what would be completed on the subdivided
18 lot within the first 2 years as active improvements and substantial improvements to be completed
19 within 5 years. If the substantial improvements were completed within the 5 years, the property
20 would be fully vested.

21
22 Jon Lefebvre stated on behalf of his client he would recommend that the driveway be in-
23 stalled within 2 years as the active improvements and asked if the Board could make recommen-
24 dations for what would be acceptable as substantial improvements. Mark Suennen noted that
25 applicants often stated the house foundation to be completed within 5 years as a substantial im-
26 provement. This would assure that the necessary site work and grading was completed and ad-
27 hered to the plan that was submitted by the applicant. Jon Lefebvre stated that the completion of
28 the foundation would be done as the substantial improvement. The Board agreed with the im-
29 provements.

30
31 Mark Suennen noted the conditions precedent and asked when these items would be
32 completed and submitted to the Planning Department. Jon Lefebvre answered that he would up-
33 date and submit the final plan by the end of the following week. Mark Suennen suggested that
34 the deadline be 30 days to complete the conditions precedent. The Planning Coordinator, Shan-
35 non Silver mentioned that the Board would not meet again until March 27, 2018, and the final
36 plan would need to be endorsed before it could be sent to the Registry. Mark Suennen suggested
37 the deadline be extended to 60 days. Jon Lefebvre stated that he would submit the plans as soon
38 as possible because the owner was anxious to get the property listed for sale. Mark Suennen re-
39 plied that the final plans could be submitted at any time prior to the deadline. Mark Suennen
40 noted there would not be any conditions subsequent as the Board agreed to the proposed active
41 and substantial improvements.

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1 **MOUTAFIS, MARTHA (OWNER)**
2 **MERIDIAN LAND SERVICES, INC (APPLICANT), cont.**

3
4 David Litwinovich **MOVED** to approve the Minor Subdivision
5 Plan/2 Lots for Martha Moutafis, Tax Map/Lot #14/97, McCollum
6 and Meadow Roads. Joe Constance seconded the motion and it
7 **PASSED** unanimously.
8

9 The Board decided to start Miscellaneous Business since the discussion with Earl Sand-
10 ford was scheduled for 7:00 p.m. +/-.

11
12 **Miscellaneous Business and correspondence for the meeting of February 27, 2018, includ-**
13 **ing, but not limited to:**

- 14
15 1. Distribution of the January 23, 2018, meeting minutes, for approval at the March 27,
16 2018, meeting, with or without changes. (distributed by email)
17
18 2. Distribution of the February 13, 2018, meeting minutes, for approval at the March 27,
19 2018, meeting, with or without changes. (distributed by email)
20
21 3. Letter dated February 19, 2018, from Kevin M. Leonard, P.E., Northpoint Engineering,
22 LLC, to the Planning Coordinator, Shannon Silver, re: Roadway Construction Back-
23 ground for Pavement Crack Assessment, Twin Bridge Estates – Phase II, for the Board’s
24 information.
25

26 Mark Suennen asked the Planning Coordinator, Shannon Silver, if ConTest had indicated
27 when they would be completing their review. The Planning Coordinator answered that she had
28 not been given an expected completion date. She continued that ConTest had been copied on the
29 letter the Board was given that Kevin M. Leonard provided. The last contact she knew of was
30 that Kevin M. Leonard had provided the details of the projects history to ConTest. Mark Suen-
31 nen believed that the letter Kevin Leonard provided to ConTest in regards to the projects back-
32 ground had fully detailed the history.
33

34 The Planning Coordinator, Shannon Silver, reminded the Board that registration opened
35 today for the 2018 Planning and Zoning Conference. She suggested that if any Board members
36 are interested in attending, they should register online and select the option to bill the Town for
37 the fees. Mark Suennen asked if an agenda was available for the conference. The Planning Co-
38 ordinator noted that the agenda was available online for the available sessions and explained that
39 the desired sessions will need to be selected during the registration process. Mark Suennen
40 asked the Planning Coordinator if she would be attending the conference. She answered that she
41 and the Planning Assistant, Nadine Scholes registered and would be attending the conference.
42
43
44

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**1 Discussion with Earl Sandford, L.L.S, Sandford Surveying and Engineering, Inc., re: For-
2 est View II, changes to approved plan, culvert elimination and detention areas.**

3
4 Earl Sandford presented the plan for the Forest View II, 42 lot subdivision that had been
5 approved in 2005. He noted that at the time this subdivision was approved McCurdy Road exist-
6 ed but Susan Road had not yet been constructed. Earl Sandford noted that the subdivision plan
7 was originally done by Cuoco & Cormier Engineering, Inc., but they had gone out of business.
8 The owner Shiv Shrestha had contacted Sandford to complete Phase II and III of the project.
9 Originally, the plan had Phase I starting off of McCurdy but Phase I started off of Susan Road.
10 Earl Sandford pointed out on the plan where Phase I would connect to Phase II & Phase III. He
11 stated that the area to be disturbed to continue Phase II required an AoT Permit from the State.
12

13 Earl Sandford continued that the project had major delays and the original AoT Permit
14 (known as Site Specific at that time) had been extended but since expired in 2015. He noted that
15 when he discussed the project with the head of the AoT Department regarding another extension
16 on the permit, he was told that laws prohibit an extension because the permit had expired in
17 2015.
18

19 Earl Sandford explained that the State's rules and regulations for AoT permits had signif-
20 icantly changed in 2009 and then again in 2017. There would need to be some changes required
21 for a new permit to be issued. Earl Sandford noted that the State would allow Sandford to sub-
22 mit an addendum to the original 36-sheet plan made by Cuoco & Cormier to acquire the new
23 AoT Permit. He explained that all the swales and detention basins had to be redesigned to in-
24 crease the length and width, plus the grade cannot be flatter than 0.5%. He explained that the
25 original designed detention basin structures could be used but the outlets had to be moved away
26 from the inlets and adjustments were required to the height, length and width to meet the new
27 regulations. He noted that he had to relocate one of the detention ponds. He was still in the pro-
28 cess of working on this item because the height exceeded the maximum of 10', requiring a DAM
29 permit. Earl Sandford noted he planned on reviewing this again to rework the location or would
30 need to apply for a DAM permit. He asked if the Board would be in favor of adjusting the open
31 space easement area to move the detention pond to a flatter area. Mark Fougere asked if the
32 open space had already been deeded to the Town. The Planning Coordinator, Shannon Silver,
33 believed it was. Mark Fougere explained it would be a difficult process to adjust the open space
34 that was already deeded to the Town and he did not recommend it.
35

36 Earl Sandford mentioned that NH DES now also required test pit data for all treatment
37 and detention pond areas; there were 30 pits tested.
38

39 Earl Sandford noted that the areas for infiltration were found to not be suitable due to the
40 high water table but the runoff from the house roofs and driveways were included in the calcula-
41 tions. If the Board agreed to each house requiring it's own infiltration and dry well, the areas
42 could work as they were. This would be the last item that was needed to get the AoT permit. If
43 the Board accepted this change, all lots would need updated Individual Stormwater Management
44 Plans.

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Discussion with Earl Sandford, L.L.S, cont.

Earl Sandford noted the other big change would be to the culverts. The original plan had a 16' open bottom culvert over a 3' channel, which seemed extreme to anything he had seen. After calculations were redone, a 48" culvert would handle a 100-year flood, he proposed changing this to a 72" culvert, filling in 2' to create a flat bottom, along with ribbing and shelving for wildlife. Joe Constance asked what materials would be used to fill the bottom of the culvert. Earl Sandford answered that it would be filled with similar materials found in the channel now. Earl Sandford explained that the only issue would be washout with these types of culverts if the footings were not strategically placed. Mark Suennen clarified that to prevent washout the footings would be perpendicular to the pipe. Earl Sandford answered yes, placing the footings perpendicular inside the pipe would lock in the materials at the bottom and prevent washout.

Joe Constance believed a 72" culvert still seemed a bit excessive. Earl Sandford replied that although it may seem excessive in size, he had seen 48" culverts fail. He explained that the opening would only end up being around 4.5' with the footings and after the materials are placed at the bottom of the 72" pipe.

Earl Sandford also noted that the Conservation Commission would consider another culvert but they did express they would like the widest possible open bottom culvert, he believed what he proposed would suffice.

Earl Sandford explained that the original plan had another 8' culvert that was found not needed. The location of the culvert was evaluated and reviewed, with no flow found at the site. Mark Suennen noted for the record, Earl Sandford had the experience and knowledge as the project's on site engineer to determine if a culvert would be needed. Earl Sandford agreed and continued that he had taken courses to help determine if an area was a heavy wildlife corridor. He expressed the snow coverage made it easy to determine that this area was not a heavy wildlife corridor and he would be proposing that this culvert be eliminated completely but would keep the retaining walls to prevent the wetland from expanding onto the road. Kevin M. Leonard expressed that he would prefer a reinforced concrete retaining wall rather than the blasted rock wall as designed. Mark Suennen asked if that would have any effect on the wildlife being able to cross that area. Earl Sandford replied that steps could be added for wildlife crossing. Mark Suennen asked if the grade of the road in that area would be 8%. Earl Sandford noted that he would want to verify before answering questions on the full plan. He only had the few sheets that had been revised with him.

Earl Sandford noted that the current active dredge and fill permit would expire on April 14, 2018. He expressed that he hoped to get approval for a partial to install the culverts, and then place the project on hold, pending the review and approval for the changes to the drainage and basin areas. The State along with the Planning Board would be the decision makers for these preliminary changes. Mark Suennen asked if an extension was possible on the dredge and fill permit. Earl Sandford stated that the only way to get an extension on that permit is if there were extenuating circumstances and there are none.

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Discussion with Earl Sandford, L.L.S, cont.

Earl Sandford went over the items that would not change from the original plans, which would be the road grade and lot lines. He noted that he would try to keep the easements as is but there may need to be slight adjustments to meet the current regulations.

Mark Suennen stated that he would be in agreement to remove the culvert that was not needed. That would eliminate the extra cost to the Town to maintain it.

Joe Constance asked if the changes would allow the water to flow as adequately as the original design. Earl Sandford stated that he felt the original plans were over engineered and he redesigned it to withstand a 100-year flood.

David Litwinovich stated that he would be in favor of eliminating the culvert that wasn't needed and downsizing the other. He asked Earl Sandford to explain how the Stormwater runoff would be managed on the house lots, would it be guttered? Earl Sandford noted that it could be guttered but he recommended an alternative design with crushed stone around the brim of the house. Mark Fougere noted that gutters are a maintenance nightmare and he believed the crushed stone works much better. Joe Constance asked how far out would the crushed stone need to be around the house. Earl Sandford replied that 3-4 feet was the normal but larger homes could need a pipe to drain into a dry well. The Planning Coordinator noted that another subdivision in Town had required these types of runoff filtration systems that are engineered to manage Stormwater runoff from the house and the driveway.

Joe Constance asked Mark Fougere what he has seen in his experience. Mark Fougere replied that he believed the plans that were submitted originally were over-engineered. He opined the update to the culverts seemed acceptable as long as they met the current State regulations.

Mark Suennen referred back to the detention basin that could potentially need a DAM permit. He noted that the berm is 8' high but then chasing the grade on the backside. Earl Sandford agreed and noted that the natural slope in the area is a 3:1 ratio. Mark Suennen explained the 3 restrictions that should be avoided when Earl revisited this item. He expressed that he would not recommend creating a DAM that would end up needing to be maintained by the Town. He stated that creating a DAM should be avoided, if possible.

Mark Suennen asked if the Board discussed all the major points that Earl Sandford had needed the Board to review. Earl Sandford answered yes.

Mark Suennen noted the Board was in favor of Earl Sandford excluding the houses in the water table calculations for the State permit and requiring that each new home built would need it's own Individual Stormwater Management system to be installed and revised ISWMP submitted. The Board agreed.

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Discussion with Earl Sandford, L.L.S, cont.

Mark Suennen asked if the Board was in favor of the elimination of the culvert where it was found not needed and the redesign to the smaller size for the other culvert. The Board was all in favor.

Mark Suennen stated that the Board still had to discuss the ability to develop the additional lots beyond the temporary cul-de-sac. Mark Suennen mentioned that he thought the Board was very clear that any additional development west of the cul-de-sac would not be allowed until the road is completed. He noted that he would be in favor of holding the current limitations and no driveways are to be installed from that point west until the road is complete.

Earl Sandford mentioned that John Neville suggested a temporary road being installed to haul materials from the site but not starting work on any of the house lots. Shiv Shrestha stated that building the temporary road to use to haul materials from the site without damaging the roads that are completed. The Planning Coordinator, Shannon Silver, mentioned that none of the lots should be worked on in any Phase until a pre-construction meeting has been held and bonding has been put in place. It is currently only bonded to the temporary cul-de-sac.

Shiv Shrestha noted that the project had gone much slower than he anticipated. He expressed that he did not expect Phase I to take so long. He was aware of the restriction of no lots past the current Phase could be worked on until the Planning Board approved the next Phase of the project. He said that he would like to continue construction and questioned if the Board would accept the clearing of the road only.

Mark Suennen stated that the Board would give permission to continue construction as long as the state allowed it with the current permits and any new permits acquired going forward.

Joe Constance asked if the current State permit included the road beyond the temporary cul-de-sac. Earl Sandford replied that the road would only be stumped and grubbed enough to get the trucks through hauling materials to the job site. Mark Suennen explained that as long as the area to be cleared is covered by the State permit allowing that area to be cleared. Earl Sandford clarified that the Board would give permission to move forward with the clearing of the road as long as the State permitted the work. Mark Suennen stated he would be in favor of allowing any work to continue, as long as the regulatory agencies have issued the permits for that work.

Earl Sandford asked if there is anything more formal that would need to happen before construction could resume. The Planning Coordinator, Shannon Silver, stated that a public hearing would not be necessary. Mark Suennen noted that as long as the Town Engineer is willing to say that these are field changes that are a part of the regular construction process, then no further Public Hearing would be necessary. The Planning Coordinator mentioned that once the updates to the plan are approved by the State, the updated plans would need to be submitted to the Town's Engineer and Planning Department.

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1 **Discussion with Earl Sandford, L.L.S, cont.**

2
3 Earl Sandford asked how far the project had been bonded. The Planning Coordinator
4 noted that only Phase I was covered under the current active Letter of Credit. Phase II and III
5 would need to be bonded.

6
7 Mark Suennen requested that Earl Sandford provide a written statement before the next
8 Planning Board meeting, on April 10, 2018, of the current status at that point.

9
10 **Continued Discussion, re: Request for Proposals, Town Engineering Consulting Services.**

11
12 Mark Suennen mentioned that he assumed Kevin Leonard would stay on as Town Engi-
13 neer for all active projects that are currently underway until those projects are completed. The
14 Board agreed it would be best to keep Kevin Leonard on the projects that had started at the rate
15 he was contracted for. Mark Suennen explained that the Planning Coordinator, Shannon Silver
16 had provided the drafted RFP to the Board, and he made some changes and added the items that
17 would be required with the submission of proposals.

18
19 Joe Constance noted that this item had been discussed at the last Board of Selectmen
20 meeting and they were in support to release the request for proposals advertisement.

21
22 David Litwinovich stated he did not have any editorial changes.

23
24 The Planning Coordinator, Shannon Silver, suggested the Board determine what the date
25 should be for submission deadline. Mark Suennen asked the Planning Coordinator how long she
26 would need to get the advertisement ready to be published. She answered a few days. Mark
27 Suennen asked if March 6th would be a good start date. He noted the deadline could be 30 days,
28 April 6, 2018 and the submitted RFP's could be reviewed at the Planning Board meeting on
29 April 10, 2018. The Planning Coordinator noted that the last time the RFP was published, there
30 were 8 different companies that submitted. Mark Suennen believed the Town would receive at
31 least 5 proposals this time around.

32
33 **Continued Discussion, re: Master Plan, specifically Future Land Use.**

34
35 Mark Fougere explained that he had the Land Use Map updated. He had also found some
36 errors that had been corrected. He believed the map should be accurate with current use now.
37 He noted the Future Land Use Map was also updated based on what the Board had discussed but
38 the colors did not show the way he had expected and he would have the colors fixed. The word-
39 ing in the section outline was changed to sound more encouraging.

40
41 Mark Suennen noted that he thought the Land Use Map did not show parcels accurately
42 to date. Mark Fougere stated that once the assessing records are updated, GIS could pull the in-
43 formation to update this map.

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Continued Discussion, re: Master Plan, cont.

Mark Suennen noted that it would be the consensus of the Board, that the Future Land Use Chapter is now complete.

Mark Fougere suggested that a summary of all the Master Plans major findings be created. This would be one poster that would summarize the key points found during the Master Plan. The Board gave Mark Fougere the go ahead to create the poster he had suggested.

Joe Constance noted that the Planning Board had been given a copy of the job posting for the Building and Code Enforcement Officer. He said the Board of Selectman had discussed this item at their last meeting and he had suggested the Planning Board review it before posting it. He explained that he requested not only the Planning Coordinator to review, but also the members of the Planning Board to suggest any changes and/or additional information that might be necessary. He asked the Board if they had any suggested changes, to email him with the changes by Monday. The Board of Selectmen would have a short meeting on Monday to review the posting one more time before it is published. Joe Constance stated that he would like the enforcement aspect of the job to be emphasized as a top requirement for this position.

The Planning Coordinator, Shannon Silver, mentioned that she had already provided her suggested changes, which are shown in red ink and Ed Hunter, Building and Code Enforcement Officer updates were shown in black ink. She explained that Ed Hunter had crossed out the requirement for septic inspections; this would be part of the Health Officer's position, which she noted was herself and she had conducted these inspections. She continued that prior to Ed Hunter's inception the Fire Inspector handled the mechanical inspections for all gas tanks and piping. The Fire Inspector now still inspects the tanks but Ed Hunter had conducted the pipe inspections because he had the knowledge to do so being the former Fire Chief in Goffstown. This would most likely not be something the new Building and Code Enforcement Officer would have experience with and she suggested that this be removed as one of the job requirements. Mark Suennen asked if the inspections of commercial HVAC systems would be considered mechanical. The Planning Coordinator replied that would still fall under mechanical, but a different category. She explained that Ed Hunter had been conducting the inspections for gas piping because he had the background knowledge but from here on out, she suggested it should be the Fire Inspector doing these inspections. The Board agreed.

David Litwinovich said that Joe Constance had expressed to the Board of Selectmen that the Town should start reviewing Impact Fees again. He suggested adding this item to the Planning Board Goals for 2018. Joe Constance referred to the statute, RSA 674:21 suggests that if Impact Fees are being considered for the future, they should be tied to a section of the Master Plan. David Litwinovich noted that he believed the RSA to also read that impact fees should be tied to CIP. Mark Fougere agreed that Impact Fees could be tied to both CIP and in the Master Plan.

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

2
3 Mark Suennen believed the most important item to incept Impact Fees would be a Capital
4 Project, i.e. if the school addition ever passed during Town vote, that would be acceptable as a
5 Capital Project. He expressed this would be the best project to introduce Impact Fees, especially
6 with the housing market on the incline.

7
8 Mark Fougere asked if the school addition was on the ballot this year? Mark Suennen
9 answered no. The School Board held off on putting it on ballot this year because there had been
10 no increase in enrollments at the elementary level.

11
12 Mark Fougere noted that the new fire station would be an acceptable capital project to
13 incept an impact fee. He continued to explain that the Town would only be able to charge a fee
14 for a portion of the extra capacity that a subdivision project would bring in.

15
16 The Planning Coordinator, Shannon Silver noted that an ordinance would need to be
17 adopted before the Town could start charging any kind of Impact Fees. Mark Suennen suggested
18 that legal counsel be asked about introducing an Impact Fee Ordinance. The Board agreed.
19 Mark Fougere suggested contacting legal counsel after Town vote and he could get the Board
20 more information on Impact Fees. Mark Fougere noted that any subdivisions already approved
21 by the Planning Board could not be charged, only new proposed subdivision projects could be
22 charged. The Planning Coordinator asked if she should contact legal counsel now or wait until
23 after Town vote. Mark Suennen answered that legal can be asked for an opinion now in regards
24 to when the Town could start collecting impact fees and it could be discussed at the meeting on
25 March 27, 2018. This would be after Town Vote and it would be known then if the fire station
26 passed or not.

27
28 Mark Fougere stated that the first step would be adopting an Impact Fee Ordinance.
29 Then find an acceptable Capital Project to be able to start collecting the fees. Mark Fougere not-
30 ed that many other places had adopted an Impact Fee Ordinance but had not started to actually
31 collect any fees. There is no harm if the Town was to adopt the ordinance without having a valid
32 Capital Project, and when there is an eligible project, the Town would have the ordinance al-
33 ready in place.

34
35 Joe Constance **MOVED** to adjourn the meeting at 8:16 p.m. David
36 Litwinovich seconded the motion and it **PASSED** unanimously.

37
38
39 Respectfully submitted,
40 Nadine Scholes, Planning Board Assistant

Minutes Approved: 04/24/18