

TOWN OF STOW PLANNING BOARD

Minutes of the October 11, 2005, Planning Board Meeting.

Present: Planning Board Members: Bruce E. Fletcher, Malcolm S. FitzPatrick, Ernest E. Dodd, Laura Spear and Kathleen Willis

Associate Member: Donna M. Jacobs

Planning Coordinator: Karen Kelleher

The Meeting was called to order at 7:05 PM.

PUBLIC INPUT – None

COORDINATOR'S REPORT

Village Planning Public Forum

The Master Plan Committee is sponsoring a public forum on November 3, 2005, as part of the PDF Grant to create Village Overlay District Bylaws. MAPC will conduct a Visual Preference Survey.

Cushing Property

Karen presented a copy of the Beals and Thomas "concept" plan for the Cushing Property. Laura Spear, who is familiar with the plan through the Community Preservation Committee, reviewed the plan. Malcolm FitzPatrick said he feels that there is a need for percs before discussing land uses. He questioned why the Town can't go on the property if we are stepping into the shoes of the buyer. Laura Spear responded that Town Counsel advised that the Town needs permission to enter onto the property.

PLANNING BOARD MEMBERS' UPDATES

Marble Hill Subdivision (Asa Whitcomb Way)

Bruce Fletcher reported that Wally's Landscaping planted trees and did some landscaping. He noted that the residents wanted additional landscaping, which can only be done if there are any remaining funds from the Bond. Karen Kelleher noted there are other items that the funds are dedicated for: street sign, bounds, layout and certification, as-built plans, legal description and deeds and legal review. Malcolm FitzPatrick said he thought the area between the driveways was for snow storage; however, it appears to be a pile of stones. Members discussed what type of landscaping is appropriate for this area. All members agreed that if there are any remaining funds in the bond, it will be used to landscape the area between the drives.

Community Preservation Committee

Laura Spear reported that the Town received \$343,000.00 in matching funds from the State.

Affordable Housing Workshop

Laura Spear reported that she attended an Affordable Housing workshop and received information on Smart Growth Criteria.

PUBLIC HEARING –ACCESSORY APARTMENT (53 BARTON ROAD)

At 7:30 PM, the Public Hearing to consider an Application for Site Plan Approval for an accessory apartment at 53 Barton Road, filed by Tom and Gail Babb, was called to order.

Jim Shay, Builder, representing the Babbs reviewed the Plan. Bruce Fletcher noted that the plan looks like it is a huge addition; however, only a portion of the addition is proposed as the accessory apartment. Jim Shay explained that they are removing the existing garage.

Ernie Dodd reviewed requirements of the Bylaw. It was noted that the Plan shows Parcel C and C-1, which are considered to be one lot as shown on the Assessor's Maps.

Jim Shay sketched the existing driveway on the plan.

There was no public input.

Laura Spear moved to close the public hearing. The motion was seconded by Ernie Dodd. Ernie noted that the Board will most likely put conditions on the decision. The motion carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Ernie Dodd moved to approve the Application for Site Plan Approval for an Accessory Apartment at 53 Barton Road, conditioned upon clarification that parcels C and C-1 are considered as one building lot containing at least 65,340 sq. ft. The motion was seconded by Laura Spear. Malcolm FitzPatrick said the applicant should be required to file a new plot plan clarifying the lot size and showing the driveway and parking area. Laura Spear said she agrees that the Board should have documentation on the lot size, but does not see the need for a new plot plan. Members also agreed that the Plan with the driveway and parking are sketched in this evening is sufficient. The motion carried by a vote of four in favor (Bruce, Fletcher, Ernie Dodd, Laura Spear and Kathleen Willis) and one abstaining (Malcolm FitzPatrick).

PUBLIC Hearing – Cingular Wireless, 501 Gleasondale Road

At 7:45 PM, the Public Hearing to consider the Site Plan Approval and Petition for Special Permit Modification for a Wireless Service Facility, at 501 Gleasondale Road, was called to order.

Laura Spear moved to waive the reading of the Public Hearing Notice. The motion was seconded by Ernie Dodd and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Attorney Douglas Wilkins of Anderson & Kreiger, LLP, Ernesto Chua and Jonathan McNeal of Cingular Wireless, and a stenographer, all representing the Petitioner, were present.

Bruce Fletcher said there is some question whether the Planning Board or the Zoning Board of Appeals should be entertaining this application.

Attorney Wilkins stated the application is for the third carrier to be located at 501 Gleasondale Road. He noted that they share the Board's confusion about the applications before the Board. They filed with the Zoning Board of Appeals in response to the Building Inspector's advice that they have the right to seek a variance from the Zoning Board of Appeals for a reduction in setback requirements of Section 3.11.7.2-a (1,000 feet to residential buildings) and Section 3.11.7.2-c (200 feet to non-residential buildings). Town Counsel advised that the Planning Board is the proper Special Permit Granting Authority.

The reason they requested Site Plan Approval is because other carriers are located on the smokestack. There was a ruling from the Zoning Board of Appeals (March 27, 2000, decision on Sprint Spectrum, L.P.) that attachment of an antenna to an existing structure does not constitute a change to the structure. Attorney Wilkins further noted, although they are aware

that the Zoning Bylaw has changed since that decision, they feel that this is an existing use and structure. Attorney Wilkins said that if the Board is not convinced by his argument for Site Plan Approval, they have also filed a Request for Modification of the Special Permit. He said because this is an existing site and they are adding another carrier's equipment and antennae, they are not changing the use, and therefore, it should not be considered as substantially more detrimental than the existing nonconforming use to the neighborhood.

Site Plan – Attorney Wilkins said the existing chimney is located within 1,000' of existing residences and therefore, they are taking advantage of the grandfather protection. The stack is 123± AGL. They propose to install the antenna on a 10' extension. The reason for the height is that Cingular does not meet their coverage objectives, otherwise. They feel the proposed facility is in keeping with the existing facilities at this site.

Standards for Site Plan – Attorney Wilkins outlined reasons why they meet the standards for Site Plan Approval:

- The Facility is unmanned and will only require 1-2 trips per month for routine maintenance.
- There will be no offensive lighting
- They will not change the developable site area.

Bruce Fletcher asked the Petitioner to go through the information showing compliance with FCC and DPH.

Ernesto Chua stated they requested a waiver from the requirement for a balloon test because the proposal is for a co-location at an existing site.

Ernesto Chua presented plans showing:

- New Cingular Wireless Existing Coverage
- New Cingular Wireless Existing and Proposed Coverage (@ 50ft)
- New Cingular Wireless Existing and Proposed Coverage (@ 75ft)
- New Cingular Wireless Existing and Proposed Coverage (@ 77ft)
- New Cingular Wireless Existing and Proposed Coverage (@ 100ft)
- New Cingular Wireless Existing and Proposed Coverage (@ 127ft)
- Coverage Comparison Between 75ft and 127ft at Gleason Industrial Park
- New Cingular Wireless Hillcrest Avenue Existing Coverage
- New Cingular Wireless Coverage (With Proposed Site)
- New Cingular Wireless Coverage (Without Proposed Site)

They considered the Wheeler Road site, but determined they would still have a gap to the south.

He reviewed the Gleasondale Industrial Park Drive Test Data @ 75ft, explaining that they set up a crane and placed an antenna at 75'. He reviewed a panoramic picture taken from Gleasondale Industrial Park at 75ft showing, at 75', they would be at the same level as the trees and will have a significant loss of coverage.

He said they determined that the best option is to extend the antenna 10' above the existing facility. He stated that a position at 100' is not available.

Laura Spear said she doesn't see a significant difference in coverage and asked if they could quantify the incremental coverage gained.

Ernesto Chau said the principle behind their analysis is for seamless coverage so the signal will not degrade to a point where it would drop. Laura Spear said she would like to see the % of incremental gain.

Bruce Fletcher questioned coverage at Sudbury Road and Gleasondale Road and asked why they are comparing it with a 75' height. Jonathan McNeal responded that 75' is the area that is available because other spots are leased.

Ernie Dodd said, although he realizes the smokestack is an existing structure, the Bylaw states that they cannot exceed a height of 100', and he has a problem in exceeding the 100' height.

Malcolm FitzPatrick said he thinks the intent of the Bylaw is to limit the number of carriers to three.

Ernie Dodd noted that one of the other carriers did a poor job in mitigating visual impact.

The meeting was opened to the public for comment.

A resident questioned if provisions will be made to maintain the paint on the structure. It was noted that the permit could be conditioned to require that the paint be maintained and the Building Inspector could inspect it.

A resident voiced concern that they propose the antenna to be 10' above the smokestack and that the existing antenna is ugly.

A resident questioned if additional equipment is proposed. It was noted that the equipment will be on the roof and will have a finish similar to the existing equipment.

Bruce Fletcher noted that the Board is in receipt of a letter from an abutter requesting that no added structure exceed the height of the current chimney and that any additional antenna modules be mounted flush to the chimney as the second set was, and indicating disappointment that the original set got mounted the way it is after they went to the trouble of camouflaging the equipment and the cable running up the chimney.

Ernie Dodd questioned if there are provisions for emergency power. It was noted that there is no proposal for a generator at the site.

Malcolm FitzPatrick asked if it is structurally possible to extend the brick smokestack and match the existing brick or have a uniform color. It was noted that the smokestack was rebuilt when T-Mobile was installed.

Ernie Dodd asked if they could attach a monopole to the chimney or use camouflage. Attorney Wilkins said that basically they are proposing to extend the chimney and making it blend in.

Malcolm FitzPatrick said he would like to see a chimney cap with a photo simulation.

Laura Spear questioned why the Bylaw has the 100' height limitation. Donna Jacobs explained that the overlay district was created by creating offsets to residential buildings and then used thematic mapping to come up with topography and a reasonable height.

Laura Spear said this proposal is 25% taller than the allowed height.

Ernie Dodd moved to continue the hearing to November 1, 2005 at 8:30 PM. The motion was seconded by Laura Spear and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

MINUTE MAN PROPERTY, BOXBORO ROAD – AAN CONCEPT PLAN

Bill Roop and Harry Blackey met with the Board and presented a concept plan for the Minute Man Property off of Boxboro Road. Bill Roop explained that even though the property is before the Town for its Right of First Refusal under Chapter 61A, they are moving forward with their plans for the site. They explained that it is a 114-acre site with wetlands and river buffer areas. They walked the site with a number of the School Building Committee Members. They want to create a village concept with single-family homes for seniors. They are planning to submit an application under the Town's Active Adult Neighborhood Bylaw. They are working first with an Architectural firm rather than a civil engineer. They also want to work with the Town by providing affordable housing either on or off-site. Harry Blackey said most people asked if it will look like Faxon Farm, and the answer is yes. They always look at the land first and determine what fits best rather than having a plan in advance. They could propose small single-family homes and deal with them as condos. They are finding that many want the advantage of a smaller home, but not an attached home. Although they are proud of Faxon Farm, they have done other developments that demonstrate imagination and presented some examples of what they did in Acton. This development was not age restricted, but that's actually what happened because they are smaller homes. Stow may not be exactly the same, but it is a good example.

Malcolm FitzPatrick asked if they know whether there is a market for a mix of affordable housing and an AAN. Harry said yes, but the Bylaw as written, says it has to be an AAN and has no provision for family housing. He also noted that the AAN requires affordable units in any event. Malcolm questioned if they could mix a 40B and an AAN on the site. Harry Blackey said they could do both and would have to merge two separate applications. Harry said with so much 40B pressure, all developers are working with Towns, some proposing as Age Restricted Developments. He also noted that they are having a hard time selling the age restricted affordable units because of the asset criteria. It would be basically for seniors who don't own a house, which is a problem in the suburbs. Ernie Dodd agreed that there is a very small group of people who qualify for the Low Income category because the affordable rate is so high in this area.

Ernie Dodd said he was told that the Town could establish local affordable criteria. Harry Blackey agreed but noted it won't count under DHCD's inventory. Bill Roop said that in Lincoln, they left the affordable units at a fixed price, so it wouldn't change over time. It was noted that in order to provide the units as rentals without subsidies would be challenging.

Harry Blackey said they would maintain the wooded streetscape along Boxboro Road. The intent for this meeting is to get some feedback from the Board for them to sketch out on an updated concept plan. They will apply principals for Low Impact Development.

Donna Jacobs said it would be nice for the Board to see the development in Framingham and how it has stood the test of time.

Malcolm questioned if there is an FAA easement over the property. Harry Blackey responded no, not at this time. He noted that an aviation easement talks about the height of trees. They are working on negotiating an easement in favor of the proposed new owners. They are currently looking at the ability to trim the top of the trees to a certain height.

Malcolm FitzPatrick said he likes their proposal to come up with a design before doing the engineering.

Kathleen Willis said she likes the idea of incorporating affordable housing into the Plan. Harry said they may well consider treating part of the site as an AAN and part as a 40B in order to have more flexibility. Bill Roop said that 40B could be an effective tool for the Town. Harry Blackey noted another possibility could be for the developments to be side-by-side on the site.

Harry Blackey said the concept of Faxon Farm will be followed, but the new development won't be the same as Faxon Farm.

PUBLIC HEARING – ZONING AMENDMENTS

At 9:10 PM, the Vice Chairman, Ernie Dodd, called the Public Hearing to consider proposed amendments to the Zoning Bylaw to order.

Laura Spear moved to waive the reading of the Public Hearing. The motion was seconded by Ernie Dodd and carried by a vote of four members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick and Laura Spear). Kathleen Willis was not present for the vote.

Members reviewed the proposed Zoning Bylaw amendments:

- Section 3.9 (*Non-Conforming Uses and Structures*)
- Section 3.8.1.10 (*Erosion Control*)
- Section 6.2 (*Common Driveways*)

Article 11. Zoning Bylaw Amendment – Table Of Dimensional Requirements

Section 4.4, by correcting the section number referenced in footnote (1).

This proposed amendment changes the current section number referenced in Footnote (1) from 7.7.5.1, which doesn't exist, to the correct Section 7.7.4.1.

Bruce Fletcher moved that Town Meeting ADOPT this proposed Zoning Bylaw Amendment. The motion was seconded by Laura Spear and carried by a vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Article 12. Zoning Bylaw Amendment – Definition Of Open Space

Section 1.3.42, by changing the word "impermeable" to "permeable".

This proposed amendment corrects an apparent error, and makes the word consistent with the obvious intent of the definition.

Malcolm FitzPatrick moved to recommend that Town Meeting ADOPT this proposed Zoning Bylaw Amendment. The motion was seconded by Bruce Fletcher and carried by a vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Article 13. Zoning Bylaw Amendment – Common Driveways

Section 6.2.2, by adding a second sentence: "As part of an approved subdivision or special permit granted by the Planning Board, the length of a common drive may be longer than five hundred (500) feet."

Members noted their desire to promote the use of common drives. This proposed amendment will allow the use of common drives where multiple parallel single drives might otherwise be required, thereby reducing impervious surface area and site disturbance.

Laura Spear moved to recommend that Town Meeting ADOPT this proposed Zoning Bylaw Amendment. The motion was seconded by Kathleen Willis and carried by a vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Article 14. Zoning Bylaw Amendment – Inclusion Of Affordable Housing
Section 8.9.2.1, by changing the word "will" to "could" in the second line

The change of the word "will" to "could" will allow the Planning Board to address the issue of the creation of affordable units on a parcel that could at some point in the future support the creation of six or more dwelling units, even if the proposal before them at the time creates less than six dwelling units

Laura moved to recommend that Town Meeting ADOPT this proposed Zoning Bylaw Amendment. The motion was seconded by Kathleen Willis. Bruce Fletcher noted concern about lots that "could" be subdivided, but the owner has no intention of subdividing. Ernie Dodd responded that a note would be added to a plan indicating that the property will be subject to Inclusion of Affordable Housing Bylaw, if further subdivided. Bruce questioned how one would know what a future Planning Board would do in this instance. Malcolm FitzPatrick said he wonders about the legality of the proposed amendment. Bruce said the only problem with this Bylaw is the question of what a future Board might do and questioned what if an accessory apartment were proposed. The motion carried by a vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Article 15 (A) and 15 (B). Zoning Bylaw Amendment – Inclusion Of Affordable Housing

15 (A) Section 8.9.2.1, by deleting the words "subject to Massachusetts General Law Chapter 41, Sections 81 K through 81 GG".

15 (B) Section 8.9.6, by replacing the words "Authority or its designee" with the words "Affordable Housing Trust Fund".

Part (A) of this article proposes to delete reference to sections of MGL Ch. 41, which is the Subdivision Control Law, because there is a belief that these provisions should apply to any development of a parcel, not just by subdivision. It was noted that the bylaw as currently written, excludes Assisted Living Facilities from the requirement for Inclusion of Affordable housing.

Laura Spear moved to recommend that Town Meeting ADOPT Article 15A. The motion was seconded by Ernie Dodd and carried by a vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Part (B) of this article allows for a developer to make contributions to the newly created Affordable Housing Trust Fund rather than the Housing Authority, which serves a different function.

Laura Spear said she recently attended an Affordable Housing workshop and learned that there is a need for a Trust to manage funds. There is also a requirement for a CEO of a Board of Trustees. The Housing Partnership only has an advisory role. Funds would go into the Trust Fund to be managed by the Trustees. Malcolm questioned if a limit should be established where the Trust would have to seek Town Meeting Approval. Donna Jacobs said that individual actions do not have to go before Town Meeting; however, the Community Preservation Committee does. Creation of an Affordable Housing Trust provides flexibility and the ability to move quickly. It was noted that the funds could come from the Inclusionary Zoning or

Community Preservation Act funds. Malcolm said he feels that an upper limit should be established.

Laura Spear moved to recommend that Town Meeting ADOPT Article 15B. to read as follows:

8.9.6 Fees-in-Lieu of AFFORDABLE DWELLING UNIT Provision - As an alternative to the requirements of Section 8.9.2.1, and as allowed by law and with the approval of the Planning Board, an applicant may contribute an amount in cash equal to the costs of constructing such AFFORDABLE DWELLING UNITS, and satisfactory to the Planning Board in consultation with other relevant Town boards, to the Town of Stow Affordable Housing Trust Fund, for the development and preservation of affordable housing, in consultation with the Planning Board and other appropriate Town Boards, in lieu of constructing and offering AFFORDABLE DWELLING UNITS within the locus of the proposed development or off-site, as set forth in Section 8.9.6.1 below.

The motion was seconded by Ernie Dodd and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Members then reviewed Articles 16 through 19 for which a Public Hearing was held on April 26, 2005.

Article 16. Zoning Bylaw Amendment – Accessory Apartments

Section 8.1.2.3 by adding the words “secondary and” to Subsection 1; correcting the reference “(Sanitary Code – Title V)” to “(Sanitary Code – Title 5)” in Subsection 4; and deleting the current language in subsection 6 and replacing it with the words “this Subsection language deleted October 24, 2005”.

The current language in Subsection 6, which this article proposes to delete, states: “All stairways to the ACCESSORY APARTMENT shall be enclosed”. Members feel that this issue is adequately addressed in the Building Code. The current language creates the apparently unintended consequence of forcing stairs from decks to be enclosed.

The changes in Subsections 1 and 4 are merely for clarification.

Laura Spear moved to recommend that Town Meeting ADOPT Article 16 to read as follows:

8.1.2.3 provided that all of the following requirements are met:

- 1. The ACCESSORY APARTMENT shall be a use secondary and incidental to the single-family DWELLING and shall contain no more than 700 square feet of GROSS FLOOR AREA.***
- 2. No more than one ACCESSORY APARTMENT shall exist on the LOT.***
- 3. Either the single-family DWELLING or the ACCESSORY APARTMENT shall be occupied by the owner of the LOT. For the purposes of this section, the "owner" shall be one or more individuals who holds legal or beneficial title to said LOT and for whom the DWELLING is the primary residence for voting and tax purposes.***
- 4. Both the single-family DWELLING and the ACCESSORY APARTMENT shall satisfy the requirements of 310 CMR 15.00 (Sanitary Code - Title 5) and Stow Board of Health regulations.***

5. ***The LOT on which the single family DWELLING or ACCESSORY BUILDING is located shall contain no less than 1.5 acres.***
6. ***this subsection language deleted October 24, 2005***
7. ***Any entrance required by the inclusion of an ACCESSORY APARTMENT shall be clearly secondary to the main entrance of the primary DWELLING UNIT.***
8. ***Any modification to the existing entrances on the front facade of the single-family DWELLING shall result in the appearance of a single main entrance.***
9. ***A minimum of two (2) off-street parking spaces shall be provided for each DWELLING UNIT. There shall be adequate provision for ingress and egress from all parking spaces.***
10. ***There shall be no more than one (1) driveway per LOT.***

The motion was seconded by Ernie Dodd and carried by a vote of four in favor (Bruce Fletcher, Ernie Dodd, Laura Spear and Kathleen Willis) and one opposed (Malcolm FitzPatrick).

Article 17. Zoning Bylaw Amendment – Swimming Pools Fencing
Section 6.6.3 to read in its entirety as follows:

“6.6.3 Swimming Pools Fencing:

- 6.6.3.1 Every outdoor swimming pool, whether or not filled with water, shall be completely surrounded at all times by a FENCE or WALL, in compliance with The Massachusetts State Building Code, 780 CMR, Section 421. “

Members feel the extensive language in the current Bylaw is adequately addressed in the Building Code and need not be part of our Bylaw, especially where the possibility exists of conflicting language between our Bylaw and the Building Code.

Laura Spear moved to recommend that Town Meeting ADOPT this proposed Zoning Bylaw Amendment. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Article 18. Zoning Bylaw Amendment – Dimensional Regulations
Section 4.1.2, by adding the words “commercial, or industrial”.

It was not the original intent of this section to allow only one building on lots within the commercial and industrial districts, but rather that it was just an oversight in the language.

Laura Spear moved to recommend that Town Meeting ADOPT this proposed Zoning Bylaw Amendment. The motion was seconded by Bruce Fletcher and carried by a vote of four in favor (Bruce Fletcher, Ernie Dodd, Laura Spear and Kathleen Willis) and one abstention (Malcolm FitzPatrick).

Article 19. Zoning Bylaw Amendment – Definitions
Section 1.3.39, to read in its entirety as follows:

1.3.39 MULTI-FAMILY DWELLING - A BUILDING for residential USE, other than a DWELLING conversion or ACCESSORY APARTMENT, containing more than one DWELLING UNIT but not more than 4 DWELLING UNITS.

The current definition of Multi-family is buildings that contain more than two dwelling units. This proposal changes the definition of Multi-family to include buildings with more than one dwelling unit, but adds an exception for dwellings with accessory apartments, which are dealt with separately. This proposed change will allow two-family dwellings (duplexes) where multi-family dwellings are allowed, such as in Active Adult Neighborhoods (AANs). Malcolm noted concern that the proposed amendment will negate the reference to chapter 40A.

Laura Spear moved to recommend that Town Meeting ADOPT this proposed Zoning Bylaw Amendment. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Section 3.9 – Non-Conforming Uses and Structures

Members noted the need for further discussion with Town Counsel on a proposed amendment to Section 3.9. Bruce Fletcher moved to continue the Public Hearing to November 15, 2005 at 7:30 PM, for purposes of discussing Section 3.9 non-conforming Uses and structures. The motion was seconded by Kathleen Willis and carried by a unanimous vote of five members present (Bruce Fletcher, Ernie Dodd, Malcolm FitzPatrick, Laura Spear and Kathleen Willis).

Karen Kelleher will schedule a working meeting with Town Counsel to discuss the proposed amendment, drafted by Malcolm FitzPatrick.

BUTTERNUT FARM GOLF COURSE

Karen Kelleher will forward a letter to Butternut Farm Golf Club requesting:

- A detailed scope of work completed with a cost estimate associated to each item.
- A written certificate from a registered professional engineer that site improvements conform to the Board's requirements, as specified in this Decision.

ADJOURNMENT

The meeting adjourned at 10:45 PM.

Respectfully submitted,

Karen Kelleher
Planning Coordinator