

**AMESBURY PLANNING BOARD
CITY HALL AUDITORIUM- 62 FRIEND STREET
MONDAY – SEPTEMBER 9, 2013**

Meeting called to order at 7:18 P.M.

Present: Ted Semesnyei, Stephen Dunford, Karen Solstad, Howard Dalton, Ara Sanentz.

Absent: David Frick.

Also Present: Nipun Jain, City Planner, Paul Bibaud, Recording Secretary

MINUTES:

May 13, 2013: Karen Solstad motion to approve the minutes with edits. Seconded by Ted Semesnyei. All in favor

June 24, 2013: Assigned to Karen Solstad.

July 8, 2013: Assigned to Howard Dalton.

July 22, 2013: Unassigned

July 29, 2013: Assigned to Stephen Dunford.

August 26, 2013: Unassigned.

FORM A #1359-13-8 (41 Birchmeadow Rd.) Holbrook / Buonodono

Nipun Jain: This is the same FORM A that you received last time which the board denied due to lack of information. I believe you should have a document that explains what is being done. Essentially, they are taking back land from adjoining lots and combining them. The frontage is not changing, the access is not changing, and the variance that they received was for an undersized lot with the existing house that is being created. I will show you the plans again. What you see is in the proposed ANR Plan, it says lot A1, A2. In the existing conditions, A1 and A2 is one lot. Being proposed is that A2 is the portion of lot A that is being taken away and combined with B2. Lot C has already disappeared and has been incorporated into lot B. So lot B+C have been incorporated together. Lot C and B2, that lot line does not exist because it is common ownership. So they are combining and putting together a bunch of different lots that had been done over different years. Stephen explained to the audience that the board is trying to get down the verbiage and lineages so everyone can understand what they are trying to do. Karen suggested that from now on, the board should request that applicants provide a narrative to explain what they are doing, as well as a map showing "the current state". Nipun explained the crux of an ANR is: Any change in frontage? Is there any change to access? In this case, there is no change to existing frontages to existing or proposed lots and no change to access and the lots being combined have been depicted and listed. Stephen says the issue he sees is that there is no text or verbiage describing what they are trying to do. Its all, "here's the line, we're trying to do all here." This is all the same problem we had last time. We didn't understand what they were trying to do. We still have that that same problem. They really need to do due diligence and put that in there.

Motion by Stephen Dunford to deny the ANR , until we get a text clarification and better description of what they're trying to do. Ted asked Nipun what he received, which was only the existing conditions plan. The Chair said the only thing that gets registered is the plan, so that's

all they really have got to put in. Nipun said, if you want, you can make it a condition that a note be placed on it, stating exactly what you want in the verbiage. Motion is withdrawn.

Motion by Stephen Dunford that the board draws a line and the applicant needs to add a text description, a short narrative, of what they are trying to do, but basically approving the diagram on the big drawing with the caveat that a proper description be included describing what they are trying to do be included in the final filing. Motion was seconded by Ted Semesnyei. Vote was four in favor, one abstained.

Stephen again reiterated for the record that applicants really need to do due diligence on submission, stating clearly exactly what is being proposed, so the board never needs to spend time trying to figure out what the applicant is trying to do, to avoid doing everyone a disservice, especially the board.

SIGN APPLICATION:

CVS – Minute Clinic – Main and Macy Streets

Nipun Jain: At the last meeting, the board had indicated to the applicant that the number of signs approved for the project are included in the original submission. If they would like to change the number of signs, they would have to apply for a site plan modification. The applicant has chosen to replace an existing sign that was approved as part of the original application. So there will be no increase in the total number of signs. The new sign for the MINUTE CLINIC will follow the same typology for materials, for colors, and materials of the approved signage. The representative is here. **Jason Perillo with Back Bay Sign.** The sign we're replacing is the sign that is identified as #3 on our plan, it says DRIVE THRU PHARMACY. That sign will be replaced by the MINUTE CLINIC sign. Same size, same materials, same location and same colors, gold leaf letters on red background. Nipun asked Jason to send him a revised graphic. ***Motion by Stephen Dunford to accept the modification of the CVS sign. Motion was seconded by Ara Sanentz. Vote was unanimous.***

ALIGN CREDIT UNION – 95 Haverhill Road

Nipun Jain: The applicant is proposing 3 signs. One is a free standing sign that will replace the existing free standing sign at the island. They are also requesting another directory sign, the location of which I am not yet sure. The third is a building sign that will be hanging from the eaves of the building. That is the overview. In 2004 a project with signage was approved at this location as part of a Site Plan Review. At that time, the boards approval required that all signs be indirectly lit and be made of natural materials. If they were doing a face replacement of the existing sign, then it wouldn't require a site plan, because it is already natural materials. Because what is being proposed is a totally different sign and not made of natural materials, the board would have to review it as part of a site plan review modification. Howard clarifies that the applicant needs to file a site plan modification to be filed with the Planning Board. So the new owner will have to file for a site plan review to the Planning Board. But we can't approve this tonight as it is.

Lauren Robinson, marketing director: So the process is for the property owner to fill out an application to the Planning Board to request a modification to the site plan approval that was granted for this property in 2004. Also with me are Rob McIntyre, N.E. Signs, and the property manager, Moe Demers.

Nipun suggests a meeting with these applicants in his office to go over what is needed.
Motion by Stephen Dunford to table the sign application for the Align Credit Union until the meeting on Sept. 23. Motion was seconded by Ara Sanentz. Vote was all in favor.
Applicant must apply for Site Plan.

Wolf Meadow Farm – 91 High Street

Incomplete application. **Motion** to continue to Sept. 23 meeting made by Ted Semesnyei, with motion seconded by Stephen Dunford. All in favor.

PUBLIC HEARING:

Site Plan Review – 277 Elm St. Amesbury Animal Hospital

Nipun Jain: Since the last public hearing, the project had filed for a site plan review for the proposed Animal Hospital to the Planning Board and had filed for a Notice of Intent to the Conservation Commission. The Conservation Commission has since then finished its review and issued an Order of Conditions on the project. There were some initial comments made by the Planning Board's consultant that were addressed by the applicant. There were additional comments related to building design, lighting, and the applicant met with two members of the Planning Board to go over those comments and further information was provided to the board members, which included a detailed landscaping plan and additional information with regards to clarifications. That information is in your packets. What I passed to you today was based on the information received by the board, reviewed by the board, statement of findings on the various aspects of the project, and based on the statement of findings, if the board wishes to move forward, a set of recommended conditions.

Howard Dalton: So the only thing we don't have, with the conditions applied, is the curb cut.

Nipun Jain: Yes. One of the review criteria under site plan review is access and circulation. In this case, a portion of Elm Street where the property is located, is under Mass. Highway jurisdiction. Yes, they would need a curb cut from Mass. Highway. Fred Ford, Cammett Engineering, added that Mass. Highway has issued a curb cut permit, and in the same spot that we had it in the plan.

Ted Semesnyei: Will we also be talking about the FORM A on this project, as seen on tonight's agenda list?

Nipun Jain: Yes. As you would see from the application material submitted, the lot on which the animal hospital is proposed is being created out of three different properties. I'll bring over the plan that has been submitted as an ANR plan. (Nipun hands out plans).

Ted Semesnyei: For the findings, I would like to review the Aug. 5 handout regarding the design review. Just a description of the meeting, and if we could review the list of the questions the committee had, and what the responses are to these.

Nipun Jain: I haven't recently read that memo, but as far as I recall, there were 3 basic areas: 1. clarification on the sign area, 2. lighting fixtures, and 3. probably landscaping.

Fred Ford: The lighting will be put on a timer, so the lighting will go off once the business is closed for the night. It's all down-directed lighting. Landscaping: there is a next door neighbor with young kids. At the design review, I believe we looked at the revised landscaping. At one point it was a concern, but it was addressed. We're providing a vegetated buffer along that property line. The original abutter comment was that they wanted a fence to keep all animals in and safe from breaking free and injuring the children next door. At the site design review meeting, there is a fence, an enclosed pen for any animals, so nothing is expected to go outside

that area. It is a six foot high fence, serving as an enclosure but also as screening, because of landscaping proposed along the abutting property line. There was little discussion about the design of the building itself.

Nipun Jain: So you have a synopsis of all the information we've received so far. The board had not instructed me to write anything, that's the way I presented it to you, as you've asked me to do in other projects.

Motion by Howard Dalton to approve this site plan review based on the findings with the condition that the board gets a copy of the curb cut approval. Motion was seconded by Ara Sanentz. Vote was four for, one abstained (Stephen Dunford).

FORM A #1358- 13- 7 277 Elm Street (this is the Form A for the Animal Hospital)

Nipun Jain: So you can look over the plan of the properties around which this project is proposed. You'll also see a site map that shows the three different parcels that are adjoining this proposed parcel. It'll show you the hatch portion of those parcels which are map 68 parcel 13, map 68, parcel 20: portions of those two parcels are being subdivided to create this subject site. Fred can explain further, if needed.

Fred Ford, Cammett Engineering: There are three large parcels and two homesteads. A small portion of each one of those four parcels, a piece of each gets taken out to be combined into one lot. Parcel 12 is not a part of this, it is merely adjacent.

Howard Dalton: There are no issues. It meets all the requirements.

Motion by Howard Dalton to accept this under "subdivision control not required." Motion was seconded by Stephen Dunford. Vote was unanimous.

SPECIAL PERMIT:

Residential Conversion 20 Cedar / 4 Poplar (Chinburg Builders)

Nipun Jain: We also have a new public hearing on that project for a Special Permit. Comment by the Chair: Since there are 2 hearings for the same property (the New Special Permit and an open Site Plan Review) we will combine the hearings and address both applications.

Nipun Jain: (Nipun reads the legal notice) Legal notice: Chinburg Builders have submitted a Special Permit request for a proposed renovation of an existing mill building into an apartment complex, with associated parking.

Summary: This is an existing mill building to be converted into 48 residential units, an apartment complex. The board has received a site plan review application that describes in much detail the improvements proposed on the site, as well as offsite improvements on Poplar. There is another parcel that goes with the property, across from where the existing mill is located, which is a vacant parcel which will be used for the majority of the parking for the complex. The board's consultant has reviewed the information provided as part of the site plan review application, and all of the storm water related calculations, details and design were reviewed and signed off on by the Planning Board consultant. The permitted use, being in the industrial use area, this building is also located in the downtown artist district overlay, which allows the conversion of existing industrial buildings into residential uses. So the applicant is seeking to convert existing industrial uses into residential uses based on special permit condition. The premise of the Special Permit is that the proposed use not be detrimental to the neighborhood. Based on the ongoing redevelopment efforts in that Cedar St. / Poplar and R Street neighborhood, the existing buildings have been renovated and have been converted into either residential or into office uses, such as the one at 14 Cedar Street. So the industrial uses are no longer existent in this area, so the

proposed use is more in keeping with the character of the neighborhood, and in fact will enhance the value of other properties as well as this property in the area. There is no impact to the existing infrastructure, in fact, any gaps that were identified are going to be removed and updated by the applicant as part of the mill redevelopment and conversion project. There is also a memo provided based on the concerns raised by some of the neighbors as far as traffic, and there is no increase in traffic expected. Essentially, there was a more intense use and the number of vehicles leaving the site, the frequency of traffic movement for an industrial use, given the scale and size of the building was more intense than the proposed residential use. There will be peaks during the day, morning and evening, when the residents are coming in and out but there will be an overall reduction in the total volume of traffic coming in and out of the site. So there will not be any impact due to the proposed use on the residential street in and around the subject property. The historic character of the building is being protected during renovation, adding value to the uses and neighborhood. Windows will be replaced with historically correct windows. The landscape plans are available also. We believe the project is worthy of moving forward, since there are no outstanding issues to address. If the board so chooses, we can start working on the draft decision for the board to approve.

Ted Semesnyei: Could you review / refresh us regarding the affordable component of the project?

Nipun Jain: As part of all multi family redevelopments or new developments, Amesbury requires that 15% of the total number of units to be deeded affordable, and to follow the guidelines that the state has established for affordability criteria, and there will be Chapter 40 B regulations. Those regulations and standards are listed in Section 5F of the Amesbury Zoning Bylaw as well. The applicant is actually proposing 20% of the units to be affordable.

Howard Dalton: We have two requests for speakers. First is Charles Coles.

Charles Coles, 9 Poplar Street, next door to project: I'm in total support of this. I live directly across the street. Chinburg does great work, my immediate neighbors can't be here but agree with me in support of this. I'm very excited.

Colleen Roaf, 6 Cedar Street: You mentioned the traffic wouldn't be changing...with 48 units in there? (Nipun said the traffic report shows that). I'd love a traffic report. (yes). With the traffic not changing, do we have any hope of getting the R Street bridge opened? The traffic on Cedar, you can park on both sides. It's hard to pull out because you can park on both sides of Cedar Street. It's already, at certain times of the day, impassable. I'm not sure where those 48 plus cars are going to go. (Nipun said the city had plans to open the bridge, but the state lacked funds to do so. But they are looking at refunding the project. Re: traffic: that was the first thing we looked at, it went before the traffic commission, looked at parking on one side of Cedar St, etc. The traffic commission recommended that there be no changes, that there would be no impact from the proposed development. If the building were to go back into industrial use and into full production, you would potentially see much more traffic than what you'd see from a residential conversion. The problem you have right now is not because of this project, but because of 14 Cedar St where patrons actually park on Cedar rather than parking on the site. There is a plan to complete the redevelopment of that site, which has not moved forward yet because there were brownfield issues that the current property owner is dealing with. It's a very lengthy process to get the site cleaned up, get financing, and to have the pertinent professionals oversee the removal of the contamination and to have parking. So a plan has been approved by the Planning Board, and when that parking is completed, the number of cars parking on Cedar will not be as much.)

Colleen's last comment was about the Amesbury Elementary School nearby, with 48 units

coming in? (**Nipun** replied there are no standards or criteria under zoning for the applicant to demonstrate the impact on local schools. The LOFTS AT CLARK'S POND project, a bigger project than this just up the street, had no impact on the school system. These are not Section 8 housing. These are high end rental apartments, based on projects they have done. You can look at the designs for the complex (yes).

Motion by Karen Solstad that we ask Nipun Jain to write up findings, based on the site plan review process, and the Special Permit for review at the Sept. 23 meeting. Motion was seconded by Ara Sanentz. Vote was unanimous.

SITE PLAN REVIEW

20 Cedar / 4 Poplar (Chinburg Builders)

This item was included in the above Special Permit for the same property. See the previous documentation (above) for information on this portion of the hearing.

SITE PLAN – SPECIAL PERMIT – CUMBERLAND FARMS

251 – 253 Main Street

Continued to the September. 23, 2013 meeting.

ADMINISTRATIVE:

206 Lions Mouth Road (Quimby Lane) Lovett

Modification of subdivision plan

Nipun explains that there should be information in your packages relative to the request. I did make extra copies. It's a compilation of the original plan for this subject property, with the proposed modifications. It includes the explanation from the property owners and the summary of the comments from technical staff and the responses from the applicant. This is the old Margaret Rice homestead, which has two units in it. The approval was for the conversion of the existing structure into two units. The structure has a historic preservation restriction, or was supposed to have one. This is one of those two units. Basically this is a subdivision that hasn't been fully complete. This unit is a condo within that subdivision. The owner of the subdivision should apply for a modification to the subdivision plan. We do have the property owner who may want to speak on this matter.

Robert and Edwina Lovett, owners of this condominium, living at 206 Lions Mouth Road:

The request that we are making is that we be allowed to extend our current patio and create two separate lines of pavers so we could drive up and access our main entrance. Currently, the only paved access is through our driveway that goes down to the basement. So the only paved area of access is to the basement, with 13 stairs going up to the main floor. The main entrance is only accessible going up a steep grade of lawn. We have two handicapped family members, my mother and my husband's brother who has multiple sclerosis. The only way they can enter our home is for us to drive up on the lawn and drop them off on the patio so they can use their walkers, with assistance, to enter the main entrance. When we purchased the property, we had no idea that there was a plan for walkways, because there are no walkways currently. So our hope was that we could take that existing approved plan and just reconfigure it. The original plan was approved for 555 square feet of pavers. Our plan calls for 713 square feet of pavers, with the difference of 158 square feet. The engineer who has written to Nipun was the original engineer on the project that sought the approval, and he has stated that the area that we propose to increase

it by is insignificant to the drainage calculations on the subdivision. Also, we would enter this only for the purposes of dropping off a heavy load or our family members. We would enter through the existing driveway, so there are no changes to the street. We would exit back to the driveway and park in our driveway or existing garage. Currently, the water flow issue, we were assured that because these are dry pavers, that the water flow would be minimal, with grass on both sides and in between the two strips of pavers that we have proposed. The driveway itself is porous, so it does absorb any additional runoff. There is no impact to Quimby Lane or the subdivision itself. As far as the condo association, it is in place for the purposes of maintenance to the outside of the building only. We are responsible for our own individual properties. We do share an insurance policy to be sure the outside of the building is maintained.

Karen Solstad: In looking at the plan, your garage is a separate existing garage. What part of the unit is yours?

Edwina Lovett: We own on the Quimby Lane side. The other unit is completely on the Lions Mouth Road side. We are on Quimby Lane side. In the winter, with snow, we can't plow the lawn or snowblow it. So we have no access to our main entrance, so during heavy snow, our family members couldn't come and be with us.

Howard Dalton: I don't think there's a problem with this. Basically, we just want to make sure that you don't impact the neighbors and that you go through a minimal amount of cost to do that. I don't want to put a huge burden on you. Have you talked to the developer at all about this?

Edwina Lovett: Buzz Couillard, yes we have, but my understanding is that the responsibility is ours to do and pay for this.

Nipun Jain: The engineer has given us the documentation. Because it is a unfinished subdivision, Buzz should be submitting that information and not putting the property owners through the ringer on this one. But their engineer gave us a statement. That is the same engineer that developed the designs for the Quimby Lane subdivision. He hasn't given us any drainage calculations. All he said was the difference in the amount of impervious surface, which is about 158 square feet, is going to be minimal in the whole drainage calculation aspect that would require any changes to the design, and that it would not have any impact on any abutting properties. That was the only information we got from the engineer that did the design for the subdivision. I do have e-mail correspondence that we have had on this project.

Karen Solstad: On the drawing we have here, it shows two walkways leading up to your unit. So you have two entrances? (Edwina said we only have the patio. The other item on the plan was never built).

Howard Dalton: What if we came out and looked at the sight, just the Planning Board members, to get a feel for what you want to do, and then we can revisit this on the twenty-third of the month.

Nipun Jain: Yes, we can do it this weekend. We don't all have to go together. Just a drive by is fine. You can go at your convenience.

Karen Solstad: Did you get issued a violation order?

Edwina Lovett: Yes. We didn't understand making improvements to the property that we had to have permission. That certainly was our fault. So we got a cease and desist order. It was almost finished, but it's a mess right now. We could certainly be here for the Saturday, but for the meeting on the twenty-third, we'll be away.

Howard Dalton: Well, we have a special meeting on Oct. 7 for a very short meeting because of a couple of public project.

Robert Lovett: The reason we did this project when we did was the landscaper was there that Mr. Couillard used throughout the whole thing. We figured if we hired him, plus got the same engineer used for the project, and he used the same materials he used in the whole project, that we wouldn't be stepping on toes. We were told by him that he'd never pulled a permit for a driveway or a patio in his life. So we listened to him. Maybe we were wrong. We just figured "let's finish the project now and we'll be done." Originally, we were planning on waiting until the project was done.

Howard Dalton: OK. Let us go out and look at it, get a better feel for it, then go from there. We have a request for another speaker now, so we'll see you on the seventh of October.

Tim Ryan, 2 Quimby Lane, direct abutter: I get buried with his water. The water comes off his garage. The original request was for a handicap ramp up to his house. Now it's a driveway. I'm right in back of the Rice house. I back up to Jordan Lane. My house looks at the garage, with a driveway between them. This is why Buzz should be here. This is part of it. If Buzz fixes my water and drainage problem between the two properties, then there shouldn't be a problem at all. There is a drainage problem. Water comes from the top of the hill, down the hill, and you can watch how it flows and it washes the sand right out of my backyard. When you come to look, come look at my property too. You'll see where the water goes. Their water is coming down. If Buzz takes care of it, it won't be a problem at all.

Howard Dalton: We can take a look at it and there may be some remediation that can be done to protect you and it wouldn't be real bad for anyone. I think this can be taken care of with a couple different things. It's a concern for us that no more water comes off their land into the abutter. Somehow, it may be the grading got screwed up. We still have some leverage with Buzz, because he hasn't gotten this street accepted yet. It may be as simple as a berm or maybe a pipe of some sort. We'll get up there and then we'll work on the two problems together. What we should do is write a letter to Buzz Couillard to get him into a meeting to get this straightened out.

51 + 53 Market Street Previously approved Historic Preservation Special Permit.– New Covenant (requires release of existing covenant)

Nipun Jain: Part of the reason this has not been moving forward is the developer didn't present a historic preservation restriction that was required before they could move forward with the renovation. This is a new concept, and as far as historic restrictions and the way the bylaw was set up is that it needs state approval and the way the state operates is that it takes 6 months to a year. Once the state gets involved, we have to work with them to make sure that, if there are things that need to be included and work with the local historical commission as well, it is an arduous process. So it has led to us having to tell the applicant that we can't let them start the renovation of the site until such time that the restriction has been put in place, recorded and approved by the state. So the whole property suffers. You cannot get any improvements on the property itself, there is a potential of the historic structure itself being deteriorated further. So to modify that prior to occupancy and also there will be a bond required on affordable units as an incentive for the developer to do all due diligence and make sure all efforts are made by the developer to complete the project, complete the conditions of approval. What you've been presented with today is a release from the prior covenant that prevented the project from moving forward until such time that the historic preservation restriction was in place and recorded. In lieu of that, the new covenant will allow the project to move forward, which includes all of the improvements that were previously approved by the Planning Board, but that no occupancy will be requested until such time as the project has gotten an approved historic preservation

restriction. This project began roughly 5 years ago. The developer said whatever the city needs us to do, we will do it. Give us a template. We don't have a template for a historic preservation restriction primarily because we've never done that. This is the first project out of the gate when this was originally approved. So we asked them to draft one. This was a historic preservation restriction covenant on both the front and back properties. But based on all of the other things that the state requires, that is more extensive, they have to fill in a form that documents all of the characteristics of the historic buildings, that paperwork was provided in bits and pieces and not all of it. So we could not send it to the state for any sort of recommendations from the state as to what the preservation restriction should look like and how we can move forward on this. Then nothing happened for two years. The city was basically asking the applicant to prepare a historic preservation restriction document and the city attorneys will review that. We're not going to do the applicant's legal work. So that is where it broke down.

In the meantime, we got other projects where we have started developing historic preservation restrictions because these applicants did the work, gave us a template that the state historic commission actually has approved in the past. So now we don't have to invest city resources to provide this template. We've provided this template to this applicant, saying now you have a template, refine it so that it meets the requirements of this permit for this project, and get that information. So give us a draft that the city can review and then go to the Massachusetts Historical Commission. So we need the board to release from the prior covenant and a new covenant that would allow the project site improvements to go forward but no request for occupancy. We have both of those documents here.

Motion made by Karen Solstad to release the current Form H covenant on 51 and 53 Market Street. Motion was seconded by Ara Sanentz. Vote was unanimous.

Motion was made by Karen Solstad to install a new Form H covenant based on not getting occupancy. Motion was seconded by Ara Sanentz. Vote was unanimous.

MUNICIPAL COUNCIL REFERRAL BILL # 2013-085

Amend Section XLQ- Smart Growth Overlay District, add two new Smart Growth Overlay Districts, and Amend the boundaries of the Smart Growth Overlay District on the Overlay District Zoning Map.

Continued to the September 23, 2013 meeting.

MUNICIPAL COUNCIL REFERRAL BILL # 2013- 086

Section V – Use Regulations- Accessory Parking to allow use of parcels held in common ownership but separated by public or private ways to meet parking requirements under Section VIII by adding:

“10. Off-street parking requirements under Section VIII may be satisfied by using parcels held in common ownership but separated by existing public or private ways and such parking on separate parcels shall be deemed parking accessory to the principal use.”

Continued to the September 23, 2013 meeting.

Housekeeping Issues:

There are a couple of items Nipun wanted to discuss with the board that are not on the agenda. Nipun asked the board to please address as many minutes today if possible.

There are only four more meetings scheduled for the year, due to holiday schedules, then a new board in the next calendar year, so we need to clean up all pending meeting meetings awaiting approval. So these matters need to be wrapped up.

Another issue is when the board votes to close or adjourn, there is often some discussion that takes place prior to that vote on a project. When a project has been continued and, technically, all discussion on it is over, how does the board want the minutes to be transcribed? I've asked Paul to do transcription on as detailed a basis as they have requested for special topics that need complete documentation due to the import and possible legal review in a court of law. Then let the board determine how they are going to require normal agenda items to be documented.

Nipun then said we got a letter from the developer for Bailey's Pond, instructing specifically me (Nipun) to provide them with the questions that the Planning Board had at the last meeting on that project. I have not responded. Further discussion ensued amongst the board on this matter. Nipun stated he could ask city counsel to draft up a response on behalf of the Planning Board and send it to the representative / applicant, or any action that you deem fit. The Planning Board suggested to Nipun that it be given to city counsel.

Next the Cumberland Farms continuation request was discussed and what the applicant wants the board to do, including their request the Planning Board set up a subcommittee to work with them to resolve current outstanding issues of the Planning Board with the proposed plan of the applicant, but nothing was presented by the applicant to discuss at a subcommittee meeting. I am going to request that if there are Planning Board members who are interested in that subcommittee meeting and they can give me their schedules, I will let the applicant know. Or if your feel the plan as proposed has a fundamental flaw, then we need to let them know.

One last request is to continue the two municipal council agenda items to the Sept. 23, 2013 meeting. May I suggest that, if you have any questions on these two ordinance requests, let Nipun know by e-mail or a call. It's easier to respond that way.

Motion to close the hearing was made by Howard Dalton. Motion was seconded by Ara Sanentz. All in favor.

Meeting is adjourned at 9:52 P.M.