

MINUTES  
PLANNING BOARD MEETING  
DECEMBER 2, 2015

PRESENT: Ed Dekker, Chairman, Liz Freeman, Paul Termin, Tim Jones, Bert Hamill, Dave Lage, Ned Nichols, Louise DelPapa

The meeting was called to order at 7:00 p.m. at the Town Office.

The minutes of November 18, 2015 meeting were reviewed and the following corrections were made: second page, first paragraph, the last sentence should read; "Ed stated he is proposing a less intrusive ordinance **than the original** and **given** the consensus of the Board, he will continue to work on the ordinance and have the draft for the next meeting." Page 2, insert before Noise Ordinance; **"9:15 Paul Termin and Ned Nichols left the meeting."** Page 3, last paragraph, the first sentence should read; "The Board agreed to post the Dark Sky Lighting Ordinance in the Newspaper for December 3, and the deadline to **send to the newspaper** is November 30, 2015." Bert made a motion to accept the minutes as amended. Tim seconded the motion and it passed unanimously.

LIGHTING AND DARK SKY PROTECTION ORDINANCE

A copy of the proposed Lighting and Dark Sky Protection Ordinance was handed out to the Board. The Board decided to proceed by discussing paragraphs they had issues with. The following changes/additions were made:

Section 3, paragraph a., add a sentence at the end of paragraph to read; Residential accent lighting is exempt from this provision as long as it complies with other provisions in this paragraph.

Section 3, paragraph f., add an exemption for the lighting of signs attached to the canopy.

Section 3, omit paragraph i.

Section 5, first paragraph, omit Planning Board and change it to Selectmen or their designated agent.

Section 5, paragraph c., omit nonconforming from the sentence.

Liz will make all the corrections this evening and will email the ordinance to the Board members and Louise tomorrow.

U.S.A. PROPERTIES DECISION

The Board discussed Attorney Gary Kinyon and the Objection to Affidavit of Attorneys' fees and other costs being filed at the Hillsborough County Registry of Deeds. Ned questioned why the Board was not consulted on the letter. Ed explained that Attorney Kinyon was up against a deadline and felt it was worth doing because the awarding of Attorneys' fees were so out of bounds. Ned stated that at the last Board meeting it was mentioned that a second opinion would be helpful. Ed stated that Jim Coffey will speak to Cordell Johnston at the Municipal Association to get his opinion. Ed feels Jim has a good knowledge base and the Board should take advantage of his expertise. Ed would like to make Jim an alternate member of the Board when Gary Kinyon is scheduled to speak. Liz spoke to Tim Murphy at Southwest Region Planning who suggested she send the decision to Lisa Murphy to review. Liz also feels

the Board should consult with the Municipal Association. Ned suggested that Bart Mayer was recommended as a good lawyer for a second opinion and Dave stated he is the Town Counsel. Dave stated the Board of Selectmen want to meet with Gary Kinyon and the Planning Board to make a recommendation on how to proceed. Louise has a copy of the attorneys' fees for U.S.A properties and will send copies to the Board. The Board will wait for the decision on the attorneys' fees and move forward.

#### NOISE ORDINANCE AMENDMENT

Bert stated he spoke to Steve Ambrose for several hours and created a revised ordinance. He passed out the ordinance and felt this was a good compromise. The Board discussed the new tables added to the ordinance. Liz distributed a handout to the Board regarding decisions that need to be made and the decisions will lead to a conclusion. The Board discussed the handout and dBA levels. Liz stated Table 3B could be used as a Special Exception provision for allowing up to 15 dBA above background for non-residential uses. Ned stated his concern with the ordinance is the impact on possible future business in Town and distributed a handout to the Board. He does not want to discourage small businesses. The Board discussed Ned's compromise and he felt that he could go along with the ordinance if his changes in wording are made. Ned and Paul left the meeting at 9:05. Tim supported Ned's proposal and would like to see a simple process for businesses to come into Town. Liz stated that if a noisy business comes into Town a Special Exception will protect the abutters and they will have a chance to be heard. A discussion followed regarding the Steve Ambrose and Bert chart, 3B. Liz stated she spoke to Steve and he said the added chart (3B) was a policy decision if you want more development in the Town, not an acoustical decision. Tim disagreed with Liz and felt she was using Ambrose to her advantage and felt her information was conflicting. Ed stated with Bert's changes he could not support this ordinance but would support it with a Special Exception. Bert wanted a consensus of the Board and asked if Table 3B should be a special exception. Three were in favor of chart 3B being a special exception and 2 were opposed. Dave felt this would be a compromise and represents both sides. A discussion followed on this subject. The Board discussed the changes to Table 3A and the addition of Table 3B being approved by the Zoning Board by Special Exception on non-residential properties. Liz will have the changes made by the December 16, 2015 to be voted on at the hearing.

#### MERGER OF PROPERTY – 201 Temple Road, Steven and Frances Riggs.

Steven and Frances Riggs submitted a Notice of Voluntary Mergers of lots 10/30-3, 10/30-4 and 10/30-5. Ed made a motion to approve the merger. Dave seconded the motion and it passed unanimously.

The meeting adjourned at 10:00 p.m.

Respectfully submitted by:

Louise DelPapa, Land Use Clerk

