



Meeting Minutes
North Hampton Planning Board
Tuesday, September 7, 2021 at 6:30pm
Town Hall, 231 Atlantic Avenue

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

In attendance: Tim Harned, Chair; Nancy Monaghan, Vice Chair; Members Phil Wilson, Shep Kroner, Valerie Gamache, and Jim Maggiore, Select Board Representative; Alternate Member John Sillay; Jennifer Rowden, RPC Circuit Rider; and Rick Milner, Recording Secretary.

Chair Harned called the meeting to order at 6:35pm.
Mr. Sillay was seated for Mr. Etela.

I. New Business

1. Case #21:20 – Applicant: Dylan Kimmel, Northeast Integration, LLC, 212 Lafayette Road, North Hampton, NH 03862. The Applicant requests a Minor Review for control system design and assembly business. Property Owner: 212 Lafayette, LLC, 212C Lafayette Road, North Hampton, NH 03862. Property Location: 212 Lafayette Road, North Hampton, NH 03862; M/L: 021-029-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Dylan Kimmel, property and business owner.

Mr. Kimmel addressed the Board. Mr. Kimmel stated that his company recently purchased the 212 Lafayette Road property. The company designs, builds, and installs industrial control systems. The company intends to assemble control panels at the 212 Lafayette Road property. The business will have five or six employees at its North Hampton location with one or two employees performing control panel assembly. The business activities will produce little noise and have a minimal impact on the surrounding properties. Mr. Kimmel presented the following information to the Board:

- a. a site plan indicating the location of buildings and storage containers/tents on the property,
- b. a narrative letter explaining the nature of the business, and
- c. pictures showing the type of control panels and parts used during assembly.

Mr. Harned asked for clarification regarding the assembly process.

Mr. Kimmel explained that there will be no manufacturing of parts on the site; assembly only using off the rack parts. The most caustic substance stored on site will be cleaning bleach.

Ms. Rowden asked for clarification regarding the tents and containers indicated on the site plan.

Mr. Kimmel stated that the tents and containers were being used for storage of spare parts and wire. There is a proposed building on the approved site plan which he intends to build in the future as the business grows. The slab for the building is currently in place. The proposed building will serve as a storage warehouse.

Mr. Harned stated that the application was intended as a minor review for a change of use. Mr. Harned noted that the zoning ordinance requires that a special exception be granted by the Zoning Board of Adjustment (ZBA) for the proposed light manufacturing use.

Mr. Milner stated that the ZBA has granted the special exception.

Mr. Wilson moved that the Planning Board find that the application is complete and take jurisdiction of the Case #21:20 Minor Review application for control system design and assembly business at 212 Lafayette Road site. Second by Ms. Monaghan.

Discussion of the motion – Ms. Rowden stated her concern that the number and sizes of the storage tents and containers located on the site do not allow this application to be considered as a minor review. The addition of structures in excess of 300 square feet requires a major site plan review.

Mr. Dylan stated that he would remove the storage tents from the site and place the two storage containers on the existing slab meant for the proposed building. In this way, no additional impervious surface would be added to the site.

The vote was unanimous in favor of the motion (7-0).

Mr. Maggiore stated his opinion that the proposed business would be an improvement to the site since there is a low concern about possible contamination sources for groundwater in the area.

Mr. Harned opened the public hearing at 6:51pm. No comments were made. Mr. Harned closed the public hearing at 6:52pm.

Mr. Wilson moved that the Planning Board approve the Case #21:20 Minor Review application for control system design and assembly business at 212 Lafayette Road site as presented subject to the following conditions:

- 1. The Planning Board finds that the two storage containers currently located on the site are suitable fulfillment for the proposed building on the approved site plan which has not been constructed. Any future change in the use of the storage containers shall require Planning Board review.**
- 2. The two storage containers shall be moved to the existing concrete slab for the proposed building. The tents currently located on the site shall be removed from the site.**
- 3. Applicant shall submit evidence of receipt of signed notice of decision letter indicating Zoning Board of Adjustment approval of special exception for light manufacturing use.**
- 4. Applicant shall submit evidence of receipt of all required federal, state, and local permits including, but not limited to, NHDOT driveway and NHDES subsurface system approvals.**
- 5. All fees incurred by the Planning Board, including but not limited to, consulting, engineering, and legal fees, have been paid by the applicant.**

Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

2. Case #21:21 – Applicant: Heritage Builders, LLC, 2 Walnut Hill Park, Suite 4, Woburn, MA 01801. The Applicant requests a Site Plan Review to amend previous site plan approval with a change of use and site improvements. Property Owner: Gozinta, LLC, c/o Rodney Booker, 198 Lafayette Road, North Hampton, NH 03862. Property Location: 198 Lafayette Road, North Hampton, NH 03862; M/L: 021-026-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:

Joe and Jay Surianello, property and business owners; John Chagnon, engineer; Thomas House, architect; and David Choate, real estate broker.

Mr. Chagnon addressed the Board. Mr. Chagnon presented a proposed site plan for the 198 Lafayette Road property within the Industrial-Business/Residential (I-B/R) and Aquifer Protection Districts which proposed the following changes to the site currently used as an auto repair facility:

- a. rear building to be used as a contractor's shop for applicant's business,
- b. subdivide the front building into three separate units to lease for automotive detailer, electrician or plumber contractor, and painter business uses,
- c. remove three small, separate one story additions and a chimney from the front building and fill areas with pavement for better vehicular circulation,
- d. remove a walkway and some pavement,
- e. install fence to separate this property from abutting residential property,
- f. delineate parking areas with appropriate painted striping,
- g. add pavement and store contractor trucks in area behind the rear building, and
- h. install a new septic system.

Mr. Chagnon also presented the following items:

- a. Conditional Use Permit application to allow the proposed uses within the Aquifer Protection District,
- b. architectural renderings for proposed building renovation, and
- c. NHDES approved septic system plan.

Ms. Rowden made the following comments based on her review letter:

- a. Prior to granting the Aquifer Protection District Conditional Use Permit, the Planning Board should require that the applicant address all requirements indicated in the zoning ordinance in writing. The Planning Board should determine if the Aquifer Protection District Conditional Use Permit applies to the entire lot and all uses as a whole; or should each individual use be considered separately. The specific activities and materials associated with some of the uses are currently not known. Also, more detail is necessary regarding the increase in impervious surface within the Aquifer Protection District.
- b. The application appears to qualify for a waiver from the stormwater management requirements as the impervious surface is less than 5,000 square feet. However, a waiver request application must be submitted.
- c. The plan does not include any lighting details. Either lighting details or a note indicating no lighting changes should be added to the plans.

Ms. Monaghan asked for clarification regarding paint storage on the site.

Mr. Chagnon said that the painting contractor will store paint on site. The automotive detailer will not store paint on the site.

Ms. Monaghan asked for clarification regarding what type of items will be stored at the rear of the site.

Joe Surianello stated that a contractor's truck, trailer, plow, and a piece of contractor's equipment will most likely be stored at the rear of the site.

Mr. Harned stated his opinion that a blanket Aquifer Protection District Conditional Use Permit which applies to the entire lot and all potential uses is not the best option. He believes that each individual business should be evaluated for compliance with the Aquifer Protection District zoning ordinance prior to occupying the site.

Ms. Monaghan agreed with Mr. Harned's opinion. Details regarding materials stored by each individual business and the proposed business activities are important to understand prior to allowing the business to operate on a site within the Aquifer Protection District.

Mr. Choate asked the Board if there was a way that the Planning Board could approve the site plan without the Aquifer Protection District Conditional Use Permit requirement so that the property owners can begin site work to improve the site and make it more attractive to potential renters.

Mr. Milner suggested that the applicant could remove the three proposed speculative uses for the front building location from the site plan and submit a site plan with just the known contractor's shop use in the rear building. The Board could consider an Aquifer Protection District Conditional Use Permit for the contractor's shop use only.

Mr. Chagnon submitted a waiver request to allow the application to be considered as a small development project that does not have to meet the stormwater management standards included in the Site Plan Review Regulations.

Ms. Rowden stated her opinion that the application was complete with the submittal of the waiver request.

Mr. Kroner stated his opinion that nothing proposed in the application will change the existing stormwater flow on the site.

Mr. Wilson moved that the Planning Board find that the application is complete and take jurisdiction of the Case #21:21 Site Plan Review application to amend previous site plan approval with a change of use and site improvements recognizing that a waiver request has been submitted and is pending. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

Mr. Harned asked if anyone present at the meeting wished to comment. No comments were made.

Mr. Kroner moved that the Planning Board continue Case #21:21 to the October 5, 2021 meeting date. Second by Mr. Wilson. The vote was unanimous in favor of the motion (7-0).

3. Case #21:22 – Applicant: Prince Corner Garage, P.O. Box 1351, North Hampton, NH 03862. The Applicant requests a Site Plan Review to amend previous site plan approval with a change of use and site improvements. Property Owner: Millie Bauer, LLC, 16 Woodknoll Drive, North Hampton, NH 03862. Property Location: 52 Lafayette Road, North Hampton, NH 03862; M/L: 008-024-000; Zoning Districts: I-B/R, Industrial – Business/Residential District and R-1, High Density District.

In attendance for this application:

Greg Bauer, property owner; John Chagnon, engineer; Tim Phoenix, attorney; and Scott Prince, applicant.

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Mr. Chagnon addressed the Board. Mr. Chagnon presented a proposed site plan for the 50-52 Lafayette Road property within the Industrial-Business/Residential (I-B/R), R-1 High Density, and Aquifer Protection Districts which included the following items:

- a. an access and landscape easement plan which shows areas on adjacent lot dedicated for landscaping features and wall which cross the property line and access way from adjacent lot to the subject lot of the application,
- b. existing conditions detail for the subject lot and features crossing onto the adjacent lot,
- c. amended site plan page indicating proposed mechanic and snow plow services business with associated parking, signage, and landscaping features associated with the proposed business; no new building is proposed,
- d. amended site plan page indicating details of proposed material storage areas, truck and equipment storage areas, and plow storage areas,
- e. septic system plan for approved and installed septic system indicating that the system will handle flow from added use to the site, and
- f. Conditional Use Permit application to allow proposed uses within the Aquifer Protection District and Material Safety Data Sheets for items to be stored on site.

Mr. Chagnon distributed his responses to the Town Engineer's review comments to the Board. Mr. Chagnon noted the Town Engineer comment that several features and structures have been added to the site that are not recorded on previously approved site plans. It appears that the applicant is seeking to legitimize these additions to the site with the current application. Mr. Chagnon stated that the applicant's intent is to obtain approval for the current site conditions and added features/structures along with the proposed future uses for the site.

Mr. Phoenix addressed the Board. Mr. Phoenix acknowledged the following items added to the site and not on previously recorded approved site plans:

- a. Landscaping features and wall have been constructed across the southerly property line. The construction was allowed by the previous Building Inspector. An easement document has been prepared between the two property owners to allow the landscaping and wall to remain in place.
- b. The concrete pad behind the maintenance building has been expanded beyond the previously approved size.
- c. A dumpster location has been moved from its approved location to allow for easier access.
- d. Fuel storage tanks have been moved from their approved Industrial-Business/Residential (I-B/R) zoning district location into the R-1 residential zoning district area on the property.

Mr. Phoenix stated that the proposed site plan seeks approval for material and equipment storage within the R-1 residential zoning district area on the property. Mr. Phoenix presented the applicant's Aquifer Protection District Conditional Use Permit justifications. Mr. Phoenix presented letters from several abutters supporting the proposed site plan application.

Mr. Phoenix acknowledged that the following items need to be granted in order for the application to receive approval:

- a. a special exception for the proposed vehicle servicing use,
- b. a variance for the landscaping wall structure crossing the southerly property line, and
- c. a variance for the commercial storage use in the R-1 residential zoning district.

Ms. Monaghan asked for clarification regarding the nature of the vehicle servicing use.

Mr. Prince stated that the business will only service passenger type vehicles. The services would include oil changes, suspension work, tire changes, and other types of routine maintenance.

Ms. Monaghan asked for clarification regarding the stockade fence on the previously approved site plan.

Mr. Chagnon stated that the stockade fence had been replaced by a stone wall.

Mr. Chagnon reviewed his responses to the Town Engineer's planning and design comments with the Board.

Mr. Sillay asked for clarification regarding how commercial vehicles and stored equipment for proposed business will enter and exit the site.

Mr. Phoenix indicated that the proposed business would use the Fern Road entrance within the I-B/R zoning district for access and egress of commercial vehicles and equipment storage activities.

Mr. Harned noted that two sheds indicated on the site plan are located within the wetland setback.

Mr. Bauer responded that a building permit was issued for the two sheds.

Mr. Milner stated that he would check the property file to verify if a building permit was issued for the two sheds.

Ms. Rowden stated that more detailed information regarding the proposed vehicle servicing use should be presented to the Board as it relates to the specific nature of the servicing activities and the expected volume of customer traffic. Ms. Rowden stated her opinion that the application is not complete.

Mr. Harned asked if the space on the southwest side of the lot between the maintenance building and the landscaping wall would be accessed by vehicles.

Mr. Phoenix confirmed that the space on the southwest side of the lot between the maintenance building and the landscaping wall would be accessed by vehicles.

Mr. Milner suggested that additional details regarding the designation of the parking spaces should be added to the plan set. Mr. Milner suggested that both the C2 and C3 sheets be recorded if the site plan is approved. There are important details included on both pages.

Mr. Phoenix stated that he agreed that the application is not complete. He will look into the process to obtain necessary zoning ordinance relief. Mr. Phoenix requested that consideration of the application be continued to the next meeting date.

Mr. Harned asked if anyone present at the meeting wished to comment. No comments were made.

Mr. Wilson moved that the Planning Board continue Case #21:22 to the October 5, 2021 meeting date as requested by the applicant. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

4. Case #21:23 – Applicant: Norse Properties, LLC and Seacoast Athletics, 331 Exeter Road, Hampton Falls, NH 03844. The Applicant requests a Minor Review for fitness/training facility business. Property Owner: Norse Properties, LLC, 331 Exeter Road, Hampton Falls, NH 03844. Property Location: 58 Lafayette Road, North Hampton, NH 03862; M/L: 007-118-000; Zoning Districts: I-B/R, Industrial – Business/Residential District and R-1, High Density District.

In attendance for this application:

Joe Coronati, engineer; Tim Phoenix, attorney; and Justin Mahan, applicant.

Mr. Phoenix addressed the Board. Mr. Phoenix presented a site plan which indicated the two units to be used for a fitness/training facility business at 58 Lafayette Road property (Lot 007-118-000), associated parking locations on the Lot 007-118-000 site, access way across Lot 007-118-001, and parking locations designated for the proposed business on the Lot 007-119-000 site. Mr. Phoenix noted that all three lots are owned by Norse Properties, LLC.

Mr. Phoenix stated that the original site plan approval for the 58 Lafayette Road new building and associated site improvements allowed one unit for a retail use at the front of the building and eight units to be used by tradesmen. The space available on the site only allowed for enough parking to satisfy the Site Plan Regulations parking requirements for these approved uses. The applicant wishes to operate a retail, customer-oriented, fitness/training facility business within two units originally approved for tradesmen uses. The retail use requires additional parking which is not available on the site. The property owner for the 58 Lafayette Road also owns the northerly abutting lot (Lot 007-118-001) and the next adjacent lot to the north (Lot 007-119-000). The applicant and property owner have agreed to designate eight parking spaces on Lot 007-119-000 for exclusive use by the fitness/training facility business. The agreement will be executed by a lease to allow use of Lot 007-119-000 parking spaces by the fitness/training facility business. The applicant and property owner will execute an easement document if necessary.

Mr. Sillay noted that there appears to be a segment of unpaved surface on the two adjacent lots in the area along the direct access between the additional parking spaces and the proposed business location. He asked for clarification regarding the property owner's intentions for paving and marking the additional parking spaces.

Mr. Coronati responded that the areas of dirt or gravel between the lots will be paved. The proposed designated parking spaces on Lot 007-119-000 are already paved and will be properly striped.

Ms. Monaghan asked if the lease agreement for parking will continue after the fitness/training facility business no longer exists on the Lot 007-118-000 site.

Mr. Phoenix stated that the lease agreement will not continue if the fitness/training facility business ceases operating on the Lot 007-118-000 site. In order to use the off-site parking spaces, any other business will need to obtain Planning Board approval.

Mr. Milner noted that the applicant was seeking to immediately occupy the business location. He suggested a condition be added to any approval that would guarantee the completion of the site features associated with the off-site parking arrangement.

The Board discussed condition of approval language that would require completion within 60 days of the site features associated with the off-site parking arrangement including, but not limited to, the following items:

- a. pavement on all three lots along the direct access between the additional parking spaces and the proposed business location,
- b. striping of the designated parking spaces on Lot 007-119-000 and a pedestrian walkway from the designated parking spaces and the proposed business location, and
- c. signage on Lot 007-119-000 indicating location of dedicated parking spaces for fitness/training facility business and signage on Lot 007-118-000 directing customers to the dedicated parking spaces.

Mr. Phoenix stated that the applicant and property owner would be agreeable to the proposed condition of approval language.

Mr. Wilson moved that the Planning Board find that the application is complete and take jurisdiction of the Case #21:23 Minor Review application for fitness/training facility business at 58 Lafayette Road site. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

Mr. Harned opened the public hearing at 8:37pm.

Abutter Nick Lupoli addressed the Board. Mr. Lupoli stated that no Planning Board approvals or certificates of occupancy should be allowed until his concerns are addressed and corrected. Mr. Lupoli stated the following concerns:

- a. Stormwater is shedding off of the 58 Lafayette Road building and associated slope onto his property along the southerly lot line. The stormwater flow recently saturated the ground and created puddling over the leach field on his property.
- b. Plantings proposed to be placed along the front lot line on the 58 Lafayette Road property will create a visual obstruction for any vehicles trying to exit Mr. Lupoli's property when the plantings mature in the spring and summer months.

Mr. Milner stated that Mr. Lupoli's concern regarding stormwater run-off is being addressed by the Building Inspector and the Town Engineer. The 58 Lafayette Road property owner has agreed to install a swale along the southerly lot line to direct stormwater run-off towards the newly constructed culvert in the middle of the 58 Lafayette Road site.

Ms. Rowden stated her opinion that, based on the approved site plan, there are no plantings of significant height that may obstruct vision of vehicles exiting Mr. Lupoli's property.

Mr. Harned stated that the appropriate officials appear to be addressing Mr. Lupoli's concerns. The Planning Board does not have jurisdiction to become involved in the matter once the site plan has been approved. If Mr. Lupoli has concerns in the future, he should contact the Building Inspector/Code Enforcement Officer.

Tim Archibald, a representative of the fitness/training business membership, addressed the Board. Mr. Archibald asked the Board to assist a sole proprietor overcome the challenges encountered by a small business.

Mr. Harned closed the public hearing at 8:45pm.

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Mr. Wilson moved that the Planning Board approve the Case #21:23 Minor Review application for fitness/training facility business at 58 Lafayette Road site as presented subject to the following conditions:

- 1. Installation of pavement and pedestrian walkway striping for access/egress between Seacoast Athletics fitness/training facility business location on Map/Lot 007-118-000 and dedicated parking spaces for Seacoast Athletics fitness/training facility business located on Map/Lot 007-119-000 shall be completed on all three properties (Map/Lot 007-118-000, 007-118-001, and 007-119-000) within 60 days of this decision.**
- 2. Installation of signage and pavement striping indicating location of dedicated parking spaces for Seacoast Athletics fitness/training facility business on Map/Lot 007-119-000 and signage on Map/Lot 007-118-000 directing Seacoast Athletics customers to the dedicated parking spaces on Map/Lot 007-119-000 shall be completed within 60 days of this decision.**
- 3. Applicant shall submit evidence of receipt of a letter from Town Counsel giving his opinion that the proposed lease amendment and notice of lease documents associated with the Seacoast Athletics fitness/training facility business operations on Map/Lot 007-118-000 and Map/Lot 007-119-000 are adequate for their intended purpose within 60 days of this decision.**

Second by Ms. Gamache. The vote was unanimous in favor of the motion (7-0).

5. Case #21:24 – Applicant: Coskun Yazgan, Blue Harbor Coffee, 446 Lafayette Road, Hampton, NH 03842. The Applicant requests a Minor Review for coffee roasting and packaging business. Property Owner: Hampton TCB, LLC, 953 Islington Street, Suite 23D, Portsmouth, NH 03801. Property Location: 9A Lafayette Road, North Hampton, NH 03862; M/L: 003-061-000; Zoning District: I-B/R, Industrial – Business/Residential District.

In attendance for this application:
Coskun Yazgan, applicant.

Mr. Yazgan addressed the Board. Mr. Yazgan presented the following items to the Board:

- a. a site plan drawing indicating the location of the proposed coffee roasting and packaging business within the former café building on the 9A Lafayette Road airfield site, associated parking spaces, and septic system,
- b. a floor plan indicating the location of various business activities, machinery, and processing areas within the 444 square foot former kitchen space, and
- c. a narrative letter explaining the proposed business operations.

Mr. Yazgan explained that the proposed business will receive approximately two deliveries of coffee bean supplies per month. The applicant will roast the beans and package the finished product on site. One or two employees will be present at any one time. Roasting, packaging, and delivery of finished product activities will occur approximately two or three days per week.

Mr. Yazgan explained that a roaster machine and exhaust pipe will be installed in the former kitchen space. The roaster machine is outfitted with an afterburner that reduces smoke and smells by ninety percent. The roasting process does not produce a large amount of waste. An average size trash barrel and recycle bin will be sufficient for waste disposal.

Ms. Monaghan asked for clarification regarding the space to be used inside the former café building by the proposed business.

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Mr. Yazgan stated that the business would only use 444 square feet of the former kitchen area. A wall will be constructed to separate the proposed business from the adjacent area within the building.

Mr. Kroner stated his support of the business operations that will reduce the amount of smoke and odors emanating from the roasting process.

Ms. Rowden suggested that Mr. Yazgan consult the New Hampshire Department of Environmental Services (NHDES) regarding the effect of the business activities on the septic system.

Mr. Yazgan stated that he has contacted NHDES and verified that the current water and septic systems are adequate to allow operation of the coffee roasting activity.

Mr. Wilson suggested that Mr. Yazgan contact the Fire Department to ensure that the proposed business activities can safely operate within the former kitchen space.

Mr. Milner stated that a Fire Department safety evaluation is part of the certificate of occupancy approval process.

Mr. Kroner moved that the Planning Board find that the application is complete and take jurisdiction of the Case #21:24 Minor Review application for coffee roasting and packaging business at 9A Lafayette Road site. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

Mr. Harned opened the public hearing at 9:13pm.

North Hampton resident John Caracciolo addressed the Board. Mr. Caracciolo stated that he supports the proposed business. The business and its associated packaging will promote the Town of North Hampton as a desirable place to live and do business.

Mr. Harned closed the public hearing at 9:15pm.

Mr. Wilson moved that the Planning Board approve the Case #21:24 Minor Review application for coffee roasting and packaging business at 9A Lafayette Road site as presented. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

II. Other Business.

1. Planning Board operating budget review.

Mr. Milner stated that the Select Board requested that all departments submit a proposed Fiscal Year (FY) 2022-2023 operating budget for review by the Select Board. Mr. Milner presented the current FY2021-2022 operating budget figures to the Board. Mr. Milner asked the Board if it was comfortable with submitting a level-funded budget with no additional discretionary spending for FY2022-2023. The Board came to a consensus without objection to submit a proposed FY2022-2023 operating budget for the Planning and Zoning Department level funded in relation to the FY2021-2022 operating budget figures.

2. Minutes.

Mr. Harned presented the minutes of the August 17, 2021 meeting.

Mr. Wilson moved that the Planning Board accept the minutes of the August 17, 2021 meeting as written. Second by Ms. Monaghan. The vote was unanimous in favor of the motion (7-0).

The meeting was adjourned at 9:31pm without objection.

Respectfully submitted,

Rick Milner
Recording Secretary