JOINT MEETING OF THE ZONING BOARD OF ADJUSTMENT AND THE PLANNING BOARD
TOWN OF PETERBOROUGH, New Hampshire

Minutes of November 8, 2012

Members Present: Planning Board: Chairman Rick Monahon, Alan Zeller, Alternate Jerry Galus, Tom Weeks, Alternate Audrey Cass and Barbara Miller, *ex officio*. ZBA: Chairman Jim Stewart, Sharon Monahan, Loretta Laurenitis, Maude Salinger, and Peter Leishman. David Sobe and Matt Waitkins recused.

Staff Present: Carol Ogilvie, Director Office of Community Development; Laura Norton, OCD Administrative Assistant, and Dario Carrara, Code Enforcement Officer.

Planning Board Chairman Monahon called the meeting to order at 7:00 p.m. He welcomed the audience and introduced the Planning Board members and Staff. He noted "tonight is primarily a ZBA meeting with Planning Board participation, so I will hand the reins over to Chairman Stewart."

Chair Stewart replied "thank you and welcome to the continuation of Case No. 1186, the request of the Scott Farrar Home for a Special Exception and Variance from the ZBA." He went on to note "this is a continuation from the public hearing of October 22, 2012 and since then additional information has been submitted." He cited a staff report, a report from the Conservation Commission and several correspondences from abutters and citizens alike. He noted "all of this information is public record and available for review in the Office of Community Development." Chair Stewart then introduced the Zoning Board of Adjustment members and invited Attorney Hanna to begin.

Tom Hanna introduced himself as a land use attorney from Keene, New Hampshire, representing the Scott Farrar Home. He reiterated the hearing tonight was a continuation of the October 22nd Public Hearing.

Attorney Hanna noted he would like to take the opportunity to introduce a few items for the record. He distributed several handouts that included "Brief Responses to Issues by Scott-Farrar Home" (a list of issues, responses and the resource for the response), a synopsis of comments by Jay Heavisides of Meridian Land Service and Thomas R. Hanna, Attorney (in response to the Conservation Commission's remarks), a second letter from Andrew Peterson, CCIM (reiterating that property values would be protected, not lowered in the neighborhood) a correspondence from Joanna B. Kennedy, Executive Director of the Scott-Farrar Home (regarding the overflow parking lot and its use) and an updated Preliminary Site Plan that showed updated screening and streetscape features.

Attorney Hanna then re-introduced Steve Humphreys of EGA, PC to address some of the questions raised by the abutters at the October 22nd meeting. "Most specifically elevations of the back of the building and the interior and exterior lighting plans."

Mr. Humphreys first addressed the lighting. He reviewed the photometric chart explaining they had been .37 over on foot candles but the plan had been revised to 0.94 average foot candles. He showed a graphic of the light pole and the external light fixture. He explained in detail how the system worked with the light bulb inside the fixture to prevent glare, and shields to direct the light downward. He also addressed concerns of interior lighting coming out of the building. He pointed out residential blinds and shades for the windows and time clocks controlling the light of the corridors (to dim down at pre-determined hours, usually night). Mr. Humphreys also noted the use of sensors over switches where if there is no activity in a room (via motion sensor) the light goes out. "This will prevent unwanted lights being left on especially at night" he said.

Mr. Humphreys went on to present a power point presentation that reviewed elevations of the back of the building using actual photographs from the addresses of 12 and 24 Union Street. These photographs were rendered to incorporate the new building from several different angles. On each of the slides he pointed out the actual building as well as the new superimposed structure. Chair Stewart asked for clarification of the height of the front of the new building versus the back of it. Mr. Humphreys explained the proposed building was 1.5 stories in the front, (Elm Street) and 2.5 stories in the back (Evans Road). He went on to explain the topography and how the site sloped "about 30 feet in a western direction allowing the transition." Mr. Leishman asked about the height of the building with Mr. Humphreys replying "the current elevation at the main level is 814 feet and the proposed building at the same point will be 809 feet." "How tall?" asked a member with Mr. Humphreys replying "39 feet, it will be lower than the existing building." Ms. Salinger asked for clarification on how the proposed building could be lower than the current building with Mr. Humphreys reviewing the construction of the structure and the sloping pitch of the lot. Chair Stewart interjected "so it would be like a residential home with a finished basement" with Mr. Humphreys replying "exactly." A very brief discussion about the height versus breadth followed with Mr. Humphreys pointing out "We especially wanted the assisted living on one floor, that unit has to be connected to services as well so it is more problematic to go vertical and easier to go horizontal."

Ms. Laurenitis asked about the impact of the view with the lighting from the parking lot. Mr. Humphreys reviewed the design of the outdoor poles and lights noting "light spillage over the property line will be zero."

With no further questions for Mr. Humphreys, Randy Knowles, a landscape architect introduced himself. Mr. Knowles walked the members through the landscape plan. He pointed out several landscape features along the Evans Road and Elm Street. He noted the constraints of a sewer easement, abutter concerns and the Town's regulations. He reviewed the tree calculations noting "the regulations require 11 trees; we have proposed 31 trees, 18 for the streetscape and 13 to naturalize along the river." He described the caliper and species of trees to be planted. He also described the shrubs and perennials they would use and reiterated they planned to maintain the large maple and oak trees currently located in front of the current building. He noted "large deciduous trees add in traffic calming because they create the perception of road narrowing." Mr. Knowles then showed a graphic that depicted the trees that would be removed from the overflow parking area. He noted the trees had been consumed by bittersweet, an invasive species. He also briefly reviewed the additional screening of evergreens and shrubs. Mr. Harrington asked about the removal of the invasive species with Mr. Knowles replying "it is a multiple season thing, but you can eventually get ahead of it." Mr. Knowles added "and you have to be careful with your shoreline regulations with what and how you pull things out of there."

Ms. Laurenitis asked if the overflow parking was to the right of the telephone pole in the graphic with Mr. Knowles replying "yes, but there is nothing planned for that area" he said. He went on to note the planting of blueberries, cranberries, winterberries and shrubs "will naturalize with whatever growth comes from the river."

Chair Monahon noted he was quite familiar with the species along the river "but not so much with the species along the road and in front of the building." Mr. Knowles went on to further explain the types of vegetation that would be used around the campus. Mr. Leishman asked "did you design the plan?" Mr. Knowles replied "no, I came into the project later." Mr. Leishman asked about the concerns of the abutters and the Conservation Commission. He asked if they had considered abandoning the overflow parking area by the Nubanusit. Attorney Hanna immediately replied "yes, intensively, because of their report but that lot has been there for decades and needed for this project." He noted the strict parking requirements and regulations in town and determined the project needed 1.1 spaces per unit (70 spaces versus 100) "but because of the geography of the lot 72 spaces fit better so that is what we did." He went on to note "but on occasion, that is not efficient" noting certain holidays such as Christmas, Mother's Day and open house events.

Attorney Hanna noted the 20-foot sewer easement within the overflow parking area and noted "it is grandfathered, it is a legal non-conforming lot that will not be improved and used only occasionally in accordance with the last several decades." He also noted the constraints of the Overlay Districts on the lot and how they had originally planned parking on the Evans Road entrance but decided that was inappropriate for the Family District and moved it the General Residence District portion of the lot.

Attorney Hanna went on to point out the view from Union Street and the addition of screening. "In my opinion" he said, "it is a fairly intense barrier." Ms. Monahan referred to the grandfathered status of the overflow lot and said "my question is how is that parking connected to the main facility?" Another member asked what would happen when the overflow lot got full. Attorney Hanna replied "Elm Street, they park elsewhere and walk along Elm Street." When asked about the concern the overflow parking would be used by staff Attorney Hanna reiterated "if the overflow lot is being used for a special occasion we would ask the staff to park in that area so that the visitors could park closer to the building."

Ms. Salinger noted the parking area had not been used in over 20 years and asked how it could be an established grandfathered use. She also suggested the Board get Town Council opinion on the status of the lot. "I hope you do" replied Attorney Hanna. Ms. Salinger also noted if the lot was just for overflow parking "what about the possibility of an agreement with the larger lots nearby?" she asked. (Referring to the Bowling Acres, and Armory and large gray office buildings just to the south, as those facilities were likely to be closed on holidays).

Chair Stewart noted the Staff Report and the three previous zoning approvals which included the granting of the lot for parking for the Goyette Museum, the 1980 approval to permit off-street parking on the lot to accommodate a business use for the Goyette Museum and the 1984 approval for parking for another business use in the Goyette Museum. He then asked Attorney Hanna, "would it be possible to park at the Armory and shuttle back and forth?" Is that something you could do?" Could you at least try?" A brief discussion about the overflow parking area followed.

Robert Duval, Traffic Engineer from TF Moran introduced himself and with a graphic, reviewed the traffic report he had presented October 22, 2012.

The details of the study that were reviewed included an intersection study, (Elm Street with Main Street, Nubanusit Lane, Winter Street, Evans Road and US Route 101), existing conditions, trip generations, level of service analysis, sight distances and conclusions. Essentially the traffic engineers reported that the development would generate one trip every 4-5 minutes during peak hours, which is imperceptible to most drivers, there were no significant level of service drops associated with the traffic generated by the development and associated changes in delay would be minimal, and in no instances does a queue length increase by more than one car length as a result of the traffic generated by the proposed development.

Mr. Duval also spent some time reviewing the best and safest location for a crosswalk on Elm Street and traffic calming measures (often starting with the most benign and working their way up to traffic lights). Mr. Duval suggested painting a double solid yellow line on Elm Street, warning signs, and speed enforcement. He noted he was meeting with Town Officials "to see what makes the most sense and identify how *this* project can be a part of *that* solution." He noted the meeting was scheduled for next week "and we will report back to you" he said.

Chair Monahon interjected "many of the issues being presented here tonight are in the Site Plan review. We will deal with them in significantly more detail then but we do not want to delay the ZBA with those issues now. I just want to go on record as having told you there will be every opportunity to discuss these things at that time"

Ms. Salinger asked for greater clarification on the trips per day data and a brief discussion followed. Chair Stewart noted "we have heard an enormous amount of information and we still need to review the criteria for the Special Exception and Variance." Attorney Hanna took the floor to address the criteria. He first reminded the members and audience "we still have a long series of Planning Board reviews ahead us" and that they would certainly pursue contacting the other facilities (Armory, Bowling Alley) along Elm Street for overflow parking, "but we are not in a position to give up all of our parking. It never occurred to us that this may be a problem. We have it (own it), it is not going to be improved in any way and will be screened better than it is now."

Attorney Hanna began the **Special Exception** criteria with <u>Location</u>.

He read the criteria (a) through (e). When finished he noted the state-of-the-art drainage system and the all-pervious pavement that would be used. "The only non-pervious material will be the travel lanes and the entry to the service road for maintenance concerns."

Attorney Hanna noted the 6.6 to 6.7 acre site included wetlands but no encroachment into the Wetlands District. He pointed out the 100 feet of Shoreland Conservation Zone and that there would be not environmental damage, wetland loss, habitat disturbance or damage to other natural assets.

When Attorney Hanna got to the portion of the criteria that read "the use and location proposed should result in minimal risk to air, land, or water resources because of planned processes or

unplanned contingencies" he stopped and said "I don't know what that means, but I tried anyway." He went through the rest of the location criteria noting economically viable alternatives had been placed on the lot and that much of the site is in the Shoreland zone already. Citing the report by Dick Powers he noted the adjoining premises and general neighborhood would not be negatively affected. He briefly reviewed the detailed renderings of the stone wall, landscaping and screening that had been proposed, as well as the confirmed satisfaction of the mitigation by abutters.

Attorney Hanna noted "we have heard testimony from George Pellittieri of 2 Winter Street, a professional landscape architect who spoke in favor of both the landscape and the architecture." He added "we have addressed abutter concerns on Elm Street and most recently have heard and addressed concerns by Union Street residents and we continue to address those concerns through landscaping efforts."

Attorney Hanna reiterated the opinion of Dick Powers that the project would not decrease the property values of the surrounding neighborhoods. He noted some of the Union Street homes were not even considered as they were too far away from the Scott-Farrar facility. Attorney Hanna again said "property values are not adversely affected by this project." He noted Mr. Peterson had also reconfirmed his professional opinion that the property values were protected not adversely affected by the project.

Attorney Hanna noted "we are willing to meet with the neighbors of Union Street." He went on to note "we did have a neighborhood meeting that included the facility staff, residents, abutters and surrounding neighborhoods, including Union Street." He added "Matt Waitkins was the only Union Street resident to attend that meeting, and the Union Street letters of concern were fairly recently received."

Attorney Hanna pointed out that after the neighborhood meeting there was a Conceptual Presentation to the Planning Board on September 10th and the joint meeting on October 22nd "All the abutters were noticed and as you can tell from the previous hearings we have been responsive to the concerns." He added "we actually did get together with some of the Union Street neighbors today and some of the landscaping you see here was added today in response to their concerns."

Attorney Hanna noted "another concern is interior lighting" and proceeded to review the measures that would be installed to keep residential lighting from spilling outside. He reviewed the census numbers and noted "the size and number of units was determined by the concern to sustain this non-profit; currently it is not sustainable." He went on to say "63 units, I have never heard another number other than 63 units." He noted that was the minimum number of units to make the project feasible. He briefly reviewed the units as being 18 Memory Care, 20 Assisted Living and 25 Independent Living units. He concluded the Location Criteria by noting "I am not an architect but having worked on many projects I have learned about architectural articulation. It is a critical term for the Planning Board in particular." He concluded "not everyone will like the style but I think it looks like a grand mansion and frankly much nicer than the block institutional building that is there now."

Activity type and mix.
Attorney Hanna noted studies over the past few years have determined the needs of the facility. "The mission is affordable assisted living" he said adding "this is a long-standing facility for this use." He noted the project (and its need) were consistent with the Master Plan and the desired infill development, was in the immediate Downtown area and on a street extremely diverse in its use. He added "maximizing this use is going to result in a classy 17 million dollar investment in this site. I think that is *good* news for the site."

Visual consequences.
Attorney Hanna again mentioned Mr. Pellettieri's testimony noting "he applauds what we have done." Attorney Hanna went on to talk briefly about the architectural features of the facility, "the benching and articulation, the lowering and raising of structure heights, the porches and patios giving the structure residential character." He reviewed the exterior materials with windows and shingles typical of the residential area. He briefly reviewed the parking plans and stated that there would not be a departure from the architectural scale of neighboring buildings "because the current home is a departure to begin with." He concluded with "I think it will be lovely, really."

Access.
Attorney Hanna reviewed the traffic study reiterating "this is not a traffic generating project." He reviewed the peak hour numbers for the members and the audience, he once again referred to the meeting with Town Officials scheduled for next week and said "we are willing to participate in a solution for Elm Street's traffic problems." He reminded the members they had reduced the curb cuts for the facility from five to three.

Ms. Laurenitis asked about any marketing studies, price range for units and unit sizes. She also noted "I drive by it several times a day and there is blind spot at the knoll, you come into it very quickly, it is not a good place for a crossing area." Attorney Hanna again mentioned the meeting with the Town Officials next week and said "it is not this project causing the problem."

Ms. Salinger asked about delivery trucks and parking for visitors to the facility. Attorney Hanna noted there would be an estimated 8-10 deliveries a week. She asked if the truck traffic had been counted in the traffic study with Attorney Hanna replying "yes."

Process.
The ordinance states that if a proposed use will create negative effects on abutters or others then compensatory action must be taken to lessen the negative consequences of the proposal. Attorney Hanna referred back to all of the testimony in favor of their mitigation work for the abutters.

Variance Request
Attorney Hanna began with "I hope you agree this is a relatively minor request." He explained the constraints of the site including the 100-foot Shoreland Protection Zone. He noted the restraint of no fill or excavation in the zone. Attorney Hanna reiterated the initial plan of an area of 8600 square feet being required to create the service drive. He noted after a review and discussion with the Fire Chief "that number has been recalculated to 2300 square feet." He described the need to fill due to the gradual slope of the land. "We need to make a stable fire lane and fill a small area" he said. He reviewed the criteria and began with **"granting the variance**

would not be contrary to the public interest because the proposed encroachment into the Shoreline zone is modest and will not contradict the underlying purposes of the zone." Attorney Hanna noted "we believe the treatment of the fill with native grasses and the supplement of native trees will benefit the public interest, mitigation is in the public interest." He noted they would act on the ecologist's recommendations for the site.

He went on to note "**the spirit of the ordinance is observed because** of all the reasons he would refer to in the hardship clause."

"**Substantial justice is done because** the project works to minimize any interference in the Shoreline Protection Zone" Attorney Hanna noted "we don't believe the fill in this case will adversely affect the public in any way" adding "we barely encroach into the zone and with the enhancement of the habitat we are actually improving the capability of the zone." He concluded by noting "this is a very minimal, discrete encroachment and we have gone overboard essentially to make up for it."

"**The values of surrounding properties are not diminished because** this request if a modest and discrete deviation from the "no fill" regulation of the Shoreland Conservation Zone." Attorney Hanna noted the area would be seeded with native grasses and landscaping "It will not even be noticeable" he said.

Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because of the many constraints on the site. Attorney Hanna reviewed the lot encompassing three zoning districts, wetlands, Shoreland Conservation Zone and a Groundwater Protection Zone. "All of which influence the configuration of the facility's proposed expansion" he said. Attorney Hanna went on to note the grassed-over permeable fill would not adversely affect the aesthetics of the Shoreline Conservation Zone and in fact would help in avoiding pollution and soil erosion by being stabilized with native grass and landscaping and provide corridors for migrating wildlife and provide links to larger habitat areas within the town.

Ms. Laurenitis asked Attorney Hanna for a response to the Conservation Commission's concerns and questions. Attorney Hanna replied "I have a great deal of respect for Dr. Patterson both in his profession and as a conservationist. I am a conservationist too." Attorney Hanna went on to note "it is not so simple to flex a building." He went on to give an example that a downsize of the facility would essentially "result in eliminating the third floor" (the independent living units), adding "and that would make the project impossible because they could not expand the footprint on such a constrained lot, it will not work." He reviewed the square footage of the independent living units (ranging for 700 to 1600 square feet) and said "I suggest it not really a land use issue to this Board, at least not to the extent that you think it is."

A brief discussion about the fact that even a substantial downsize will not create the land use benefit the Board seem to think it would because of the footprint problem and the constraints on the lot.

Dan LaPlant introduced himself as a Board of Trustee member of the Scott-Farrar Home. He spoke briefly about the organizational structure and the charitable mission of the facility. He

noted they were a 501 (C) (3) not for profit organization. "We are a charitable trust, we make payment in lieu of taxes to the Town of Peterborough and we plan to continue to do so in the future, our status will not change with this project." Mr. LaPlant noted the need to modernize their services and their facility to fulfill their mission. "We have never asked a resident to leave because of lack of payment" he said. He also described the dedicated work of the Trustees "who have reviewed countless options, this one being the best for us" adding "this plan is the strongest possible with the least risk for our organization." He concluded by giving a brief status of the endowment and if Scott-Farrar Home were to stay status quo, "we would run out of money, in ten years it would all be gone."

Chair Stewart opened the hearing to the audience at 9:40 p.m. and asked that only new information be heard, "not a repeat of what has been stated."

George Sterling introduced himself. He noted he was a long-time resident and former Chairman of the Planning Board. He gave a brief history of the overflow parking area on the Scott-Farrar site. He turned to the audience and said "I would like to talk about what hasn't been talked about" adding "this is an excellent proposal, it is as good as it could be." Mr. Sterling then pointed out areas of a graphic of the current site and what would most likely happen if the project was denied. He noted "Scott-Farrar would have to buy property in another part of town. They would have to put the current parcel up for sale. The existing lot is a buildable and developable lot." He pointed out the potential of several subdivisions and development, "carving up the land for more homes" he said. He concluded by reiterating "this is a perfect plan, it fits nicely into the Master Plan, it is complete, compliant and attractive for clients and the Town of Peterborough, thank you."

Posy Bass of 2 Elm Street introduced herself. She took the microphone up to the screen and pointed out several concerns that included the overflow parking area and screening as well as a very large retaining wall on the river side. She noted she would like to see nothing disturbed on the water and asked if the retaining wall would be screened. She also noted "I wish the parking was smaller than it is." Ms. Bass was complimentary of the Scott-Farrar team noting "their efforts to address the neighbors' concerns and create a good project with everyone happy has been incredible." Ms. Bass briefly commented on the thoughtfulness of Ms. King's ideas for the site and encouraged the people of Elm Street put their heads together to solve the traffic and pedestrian issues. "It is a miracle there have not been more problems there" she said, adding "it *is* an accident waiting to happen."

John Richards introduced himself as a resident of Scott Street. "I am compelled to speak," he said. He went on to note "in 2030 1/3 of our population will be over 65 years of age. He noted "Scott-Farrar is a fine facility" and that he was impressed by their commitment, dedication and long-standing history and service to the town.

Matt Waitkins of 14 Union Street introduced himself. He noted "I am the Union Street resident who was at the neighborhood meeting" adding "we came late to the table but we are here now." Mr. Waitkins reviewed the views from Union Street noting "we have a pretty clear view in the winter." He acknowledged the willingness of the project leaders to meet with the residents "we appreciate your effort" he said. Mr. Waitkins suggested a few species of evergreens that might

enhance the screening adding "my first choice is that there is no parking on the overflow lot at all, my second choice is that it be extremely limited."

Ellie King introduced herself as an abutter. She noted she had gone online to research EGA Architects. "They do massive buildings" she said but pointed out one she found on Nantucket that was a 56 bed facility. She began to describe the architecture of the facility when Chair Stewart interjected that he believed the information she was presenting, although valid and important, belonged in Site Plan Review. "It is important" he said to her "but we need to get through this process." Chair Monahon reiterated she would have ample opportunity to speak through the Site Plan Review process. Ms. King noted that if the facility was able to keep the lot she asked it be finished in a material similar to French clay tennis courts, "it looks like dirt" she said adding "if it has to happen make it look like dirt and limit parking to a few times a year."

Robert Wood of 16 Union Street introduced himself. He began with the property appraisal letters written by Dick Powers and Andy Peterson. "With all due respect" he said "they do not live in this neighborhood and do not look at this site." He noted the elevations created by the architects "must have been done while the leaves were still on the tress" adding "this is big in our view and we are worried about the lighting." Mr. Wood asked a third-party appraisal of properties by done for the abutters on Union Street. Attorney Hanna cited the neighborhood meeting as well as the subsequent conceptual presentation and first public hearing and noted the lack of participation from the residents of Union Street. Mr. Wood replied "we did not understand the size and scope of the project, I am not opposed to their expansion but this is large."

Peter LaRoche introduced himself as a Scott-Farrar Board member. He briefly told the Boards and the audience "we looked into remodeling the current building but it is just not feasible" he said.

Attorney Hanna noted "I would also like to draw your attention to the Conservation Commission report" noting that he and Jay Heavisides of Meridian Land Services have responded in writing to their concerns. "I can read it to you or ask that you look at it, your preference." Chair Stewart noted the Board was in receipt of that correspondence.

Attorney Hanna also presented a correspondence from Monadnock Community Hospital CEO, Peter Gosline and read that letter to the Board. There was also a correspondence from the Joanna Kennedy, Executive Director of the Scott-Farrar Home that summarized the "occasional but continuous use of the grassy area north of the Scott-Farrar Home for overflow parking."

Ellie King came back to the microphone and made a plea to change the size of the project including the unit sizes and the footprint. "I don't understand why you cannot do this" she said. Chair Stewart interjected "I think Mr. Hanna just gave a 30-minute explanation of that." Ms. King reminded the members "everything north of Laura Campbell's house is residential, you say it is a mixed neighborhood but that is not really accurate."

Mr. Waitkins returned to the microphone and asked "are you planning a site visit?" Chair Stewart replied they were discussing that very idea. Mr. Waitkins replied "good, I strongly suggest it."

Chair Stewart summarized, "we have a concern about the overflow parking. Parking is driven by town regulations; it tells you how many spaces you need. There are 15 spaces in the overflow lot. He asked "for functions requiring more than 72 spaces you would have staff park in the overflow lot?" Attorney Hanna replied "yes, we would ask staff to park in the overflow lot to allow more parking for visitors, closer to the building." Chair Stewart noted "we will seek a legal opinion about your divine right for parking" with Attorney Hanna immediately replying "I did not call it a divine right." Chair Stewart replied "please just think about it" with Attorney Hanna noting "I promise we will look into that issue, we did not believe it would come up like it has."

Mr. Harrington asked if the current conversation had much to do with the requests for the Variance and Special Exception. Chair Stewart replied "first of all that is our decision." Mr. Harrington went on to say he did not think it had any reference to the Variance and the only way it was relevant to the Special Exception was whether its existence adversely impacted the neighbors "but I suggest it is the way it has always been and is not aggravated by this" adding "in fact it is minimized and the impact is reduced by the proposed addition of screening." Mr. Harrington concluded by noting "it should not bear on the approval as it will be improved once the project is completed."

Chair Stewart again noted the (ZBA) Board's concerns over the frequent use of the overflow parking area. Attorney Hanna replied it was very difficult to get architects with a calculated plan to change things midstream "but let me see if in the next one minute if we can put some sort of limitation on it." As Attorney Hanna turned away Chair Stewart replied "you don't have to do that tonight." Chair Stewart then announced the Board would like a site visit and one was scheduled for Saturday, November 10, 2012 at 9:00 a.m. Given the time he also suggested continuation of the public hearing. Attorney Hanna suggested the Chair "recess to the location of the Site Visit, this Saturday at 9:00 a.m."

A date and time certain of Wednesday, November 14, 2012 at 7:00 p.m. was scheduled for the continuation of the hearing.

Chair Stewart noted the Board would have their opinion from Town Council and Mr. Hanna would have had an opportunity to discuss the future of the overflow parking lot with the Scott-Farrar Trustees. Chair Stewart concluded the meeting by asking "and please think about some evergreen trees along the retaining wall." Attorney Hanna replied "yes we will." Chair Monahon looked to the audience and said "we won't hear anymore (testimony) from the applicant but we do have a lot more to hear from the public." Chair Stewart agreed noting "I think we will be able to deliberate on Wednesday."

The Public Hearing was continued at 10:38 p.m.

Respectfully submitted,

Laura Norton
Administrative Assistant

Approved January 7, 2013