



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD

Thursday, January 19, 2023 – 6:30 p.m. – Town Hall Conference Room

Members Present: Bob Dion, Stu Gerome, Steve Gerrato, John McDevitt, Richard Winsor (Selectmen's Rep), Frank Catapano (Alternate), Phil Dion (Alternate)

Members Absent: Catie Medeiros, David Moore

Staff Present: Mark Fougere

Also Present: Paul Sanderson, Town Administrator

J. McDevitt opened the Planning Board public hearing at 6:30 p.m. He announced a quorum was present and the meeting was being recorded.

1. Projects of Regional Impact

There were no 'Projects of Regional Impact' to discuss.

2. Capital Improvement Plan

TA Sanderson addressed the Board regarding an amendment to the Capital Improvement Plan (CIP). Computer equipment needs to be upgraded/replaced at the Town Hall; the Board received information regarding the status of the current hardware/software. There is an immediate need to replace the server in order to keep the accounting system running; there is a plan in place to replace/upgrade the remaining systems. The total cost is approximately \$45,000. A portion of the funding can be taken from the Town Equipment Capital Reserve Fund but must be in accordance with the CIP that was adopted by the Planning Board.

R. Winsor further addressed the issue, noting that some significant shortcomings with IT have been identified since TA Sanderson was appointed by the Board of Selectmen in October 2022. The Selectmen have authorized a \$12,000 expenditure to replace the current server. A similar situation exists with much of the hardware in the building, from laptops to desktops. There are also software challenges with licensing and the way the operation was run. The situation is not prudent for the Town and they need to make improvements. R. Winsor stated that he supported this, and it was a necessary expenditure. The Selectmen felt the CIP was the best way for funding rather than taxpayer money.

B. Dion questioned the life expectancy of the equipment being purchased. TA Sanderson stated servers have a life expectancy of three to five years. The current server is a 2017 model and the warranty expired in 2020. Software has not been updated since that time. The server portion of the network has a life expectancy of three to four years. Responding to B. Dion, TA Sanderson stated that there are no printers or scanners included; the current printers are the newest items we have and the least likely to

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fail. TA Sanderson is hoping to put a program in place for a reasonable replacement of items on a rotating basis.

R. Winsor noted that much of this has happened recently. This will help get through the next phase and maintain a level of stasis. This year's goal is to layout a much better plan with an ongoing CIP. The Selectmen are the owners of the CIP. The process needs to be reinvigorated.

P. Dion questioned the security of the system. TA Sanderson stated that part of the quote provides the security and backup that does not currently exist. The original quote for the server is in the amount of \$16,000. TA Sanderson stated they would not move forward until the Selectmen have reviewed and approved the quote for additional upgrades/replacements.

S. Gerome did not think this particular purpose was intended for the fund necessarily. The CIP was planning for the future. R. Winsor stated either the Board include and fund this project accordingly, or there should be a separate fund for that purpose. That should be taken into consideration from a CIP planning perspective. That speaks to the need to reinvigorate the CIP process, which has been relatively lackluster over the last few years. TA Sanderson noted that in the 2017 Town Meeting minutes, J. McDevitt was there. During a discussion with the people, he noted that the purpose of the new Town Equipment funding included the replacement of computers. TA Sanderson commented 'it was very helpful it was in the minutes'.

J. McDevitt opened the hearing to public comments. There being none, J. McDevitt closed the public hearing and returned to the Board for discussion.

MOTION: R. Winsor moved to authorize up to \$46,000 from the Town Equipment Capital Reserve Fund to be used as part of the Capital Improvement Plan for the replacement of computer and network equipment for the Town Hall. Second – B. Dion; all in favor. MOTION CARRIED

3. Site Plan Review

64 Breakfast Hill Road (R7, 45 & 46: Residential District)

Owners/Applicants: Richard and Elizabeth Simpson, Rolling Green Nursery

The owners/applicants propose to construct a new 4,400 square foot store and 48-foot x 72-foot conservatory. Parking will be consolidated and improved with a gravel parking lot. Four greenhouses will be removed at the rear of the property as well as a greenhouse and garage on the front portion of the property. A new driveway is proposed to serve the existing house at the site entrance.

Bruce Scamman, Emanuel Engineering and James Barron Associates, and representing Rolling Green Nursery, LLC, addressed the Board. Also present were Richard and Elizabeth Simpson, owners/applicants. Rolling Green Nursery is located on Breakfast Hill Road adjacent to I-95. They are currently a greenhouse and sales operation of plants. Rolling Green Nursery was before the Board in October with a Preliminary Conceptual to discuss the possibility of expansion.

When updating the site plan, they considered points mentioned by the Board during the Preliminary Conceptual including keeping a buffer along the property line between the two lots. They have kept the existing planting display areas (colored plan sets were distributed to the Board; a copy is on file). B. Scamman pointed out that the white areas on the colored plan set (Sheet C3) are existing planting areas that have stone underneath to allow infiltration of water. He also noted the buffer for the planted area. In the rear, there is more of a wooded area with a couple of driveways. They are proposing to keep the

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two lots as they currently exist. The greenhouses in the rear of the property will be removed and become 'grow mat' planting areas.

They have walked the site with Eric Weinrieb, Altus Engineering, to get a feel for what would be considered impervious as well as open space. Greenhouses would be considered non-open space and non-impervious, assuming they were not earthen bottoms so the water could flow down through them. Some of the travel ways for vehicles have been removed and were considered impervious. Walkways, by definition, are not considered impervious and are considered part of open space.

The Board had requested they look closer at the numbers, so it does not become more impervious or have less open space than it does currently. They looked at the calculations and took the building areas and travel ways total of 62.4% open space. The proposed new greenhouse, new structure and realignment of parking, and removal of some gravel have increased the open space from 62.4% to 62.5%.

Drainage infiltration is on a sandy, gravel soil. They are proposing infiltration under that parking lot. They have tied into some islands that will be stone. The majority of the parking lot will be gravel with some islands for the water to flow into. There will be one strip of pavement along the front for the year-round parking areas; there is much less demand for parking in the winter.

E. Weinrieb had discussed realigning the driveway with the applicant and engineer. He suggested pulling it down making a straight driveway and flattening it out slightly; they would be adding fill. The driveway has been redesigned per the discussion in the field. Traditionally, it has been one-way in and back around to go out. It has been redesigned to be a two-way driveway similar to a traditional driveway. Currently, 'in' on the left and 'out' is on the right. The driveway on the side will be used as an entrance for tractor trailers and has been noted with a sign.

The building has not been changed since they were before the Board in October 2022. B. Scamman concluded his presentation: it is a natural expansion of an existing use per the Town's regulations.

M. Fougere stated it was a very thorough set of plans. Altus Engineering is in the process of reviewing the plans; comments were not provided. M. Fougere noted a set of drawings for the building was included in the Board's packet.

MOTION: R. Winsor moved to accept the application for 64 Breakfast Hill Road (R7, 45 & 46) as complete. Second – F. Catapano; all in favor. MOTION CARRIED

B. Dion: Questioned the island in the middle of the tractor trailer entrance. B. Scamman noted that it has existed since 1984 and pointed out the Class VI road. It was difficult for tractor trailers to make the corner. R. Simpson explained that it was existing, is a Class VI road, is not used and is not acknowledged by the State. B. Scamman explained they were trying to change as little as possible in the State's right-of-way. E. Weinrieb made suggested changes during their site walk to make it easier for vehicles to come and go. They have flattened out the top of the driveway so there is not as much of a slope, making it easier to exit.

B. Dion: Questioned the open space calculations. At the last meeting, open space was 51%. In the same minutes, it was noted as 80%. At this meeting it was 62.4%. B. Scamman explained the purpose of the site walk with E. Weinrieb was to discuss the impervious and pervious areas as well as what was open space and not open space. There was some confusion between open space and impervious when they

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were at the Board in October; some of the wording was interchanged. E. Weinrieb told them to use the building coverage and travel ways for non-open space.

B. Dion: Asked if they agreed greenhouses were pervious even though they would have a glass roof and if they were a traditional greenhouse. B. Scamman: It depended on the definition of greenhouse. The existing greenhouse has a concrete floor and would not be pervious. Some of the greenhouses in the back are dirt to grow plants. Some roofs are plastic and can be removed at certain times of the year. It was dependent on a sealed surface at the soil.

F. Catapano: Questioned if the gravel drives were impervious; he understood they were pervious. B. Scamman explained that different people interpret it differently. NH DES usually considers gravel driveways as impervious due to compaction.

B. Scamman stated they tried to follow the recommendations they were told to use. J. McDevitt asked M. Fougere to contact E. Weinrieb for his report and to include how he determined impervious and pervious on the site. M. Fougere has had a discussion with E. Weinrieb: M. Fougere did not think a walkway between the display areas was an impervious surface. Nor were the mass areas used for plant storage. They can drain to the ground underneath. B. Dion stated he would like it recorded somewhere how the decision was made so the Board could be consistent in the future.

B. Scamman noted that it could be considered agriculture, which is allowed in this zone. They are trying to protect the Town and property owners and have a harmonious answer. R. Winsor stated he did not have a problem with the plan. His only challenge was that multiple property lines were being split. According to the regulations, each property line requires a buffer zone. R. Winsor suggested they merge the lots and remove the property lines, or a Variance may be needed because of the required buffer zone. B. Scamman stated they tried to take away any change within the 20-foot areas of the property line. R. Winsor noted they needed to be compliant. The response: it is an existing condition. R. Winsor: they were not looking for an existing condition, they were modifying a lot and needed to be compliant. M. Fougere added that they could not make it worse. B. Scamman: they were trying to keep the existing conditions along the 20-foot area. B. Dion noted it was a huge intrusion in the middle of the property; there was a 40-foot swath down the middle that is supposed to be a buffer. R. Winsor stated it was a lot line that was not used as a lot line; it would be better as one piece. They could put it on record that there was an easement for that use for no buffer zone or create a buffer zone. They would have to go to the ZBA for relief. The options were: merge the lots, go to the ZBA, or create a buffer.

Responding to F. Catapano, B. Scamman stated there is an existing shed within the 40-foot buffer; they were not proposing anything new. F. Catapano: there are plantings within the 20-foot buffer, which is allowed. F. Catapano did not see anything that violated a 20-foot buffer. There was a discussion about what was allowed within the buffer.

Steve Molleur, 86 Breakfast Hill Road, was present. S. Molleur's biggest concern was an increase in traffic in the right-of-way that goes through his property. R. Simpson commented they were very respectful of the neighbors. B. Scamman noted the existing two-bedroom house will become offices.

B. Scamman stated that the gravel area crossing the property line is in the power line easement. His client did not create the gravel driveway. S. Gerrato suggested leaving the property as two lots; if there were changes they would not have created two lots. R. Simpson stated that sustainability was the reason for two lots. S. Gerrato commented it was 'very brave venture'.

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J. McDevitt opened the hearing to public comments. Jamie O’Gorman, 73 September Drive: Questioned drainage possibly affecting their well. B. Scamman explained that for the most part, water flows to the front. The amount of water coming off the site will be reduced. The new parking lot area will have infiltration areas with stone underneath allowing the stormwater to flow into the ground. The sand below is how it would be designed to treat water. There is a really deep-water table in the area. The water will be treated as it goes through the sand. M. Fougere added that the plan has been given to the Planning Board Engineer. They will be looking at the drainage calculations submitted by the applicant’s engineer.

There being no further comments, J. McDevitt closed the public hearing and returned to the Board for discussion.

MOTION: B. Dion moved to continue the Site Plan review for 64 Breakfast Hill Road to the public hearing on Thursday, February 16, 2023. Second – R. Winsor; all in favor. MOTION CARRIED

4. Amended Site Plan Review
597 & 603 Portsmouth Avenue (Map U6, 1 & 3: Commercial District A)
Owner: 603 Seacoast Residential and Commercial Development
Applicant: One Home Builders, LLC
The owner and applicant are proposing a 6,500 square foot building consisting of retail on the first floor and a total of five residential units on the second and third floors. The total parcel area is 1.65 acres.

Recused: F. Catapano, S. Gerome

Christian Smith, Beals Associates, and representing the owner and applicant, addressed the Board. Also present were Frank Catapano and Dave Lemieux, proponents for the project. The original site plan was approved by the Board on February 17, 2022.

C. Smith explained that nothing has changed in the existing conditions plan. The building is identical with the exception of the little bump outs that are proposed entrances to the second and third floor, which are proposed as residential. The building will have 6,500 square feet of commercial use and five apartments on the upper floors. There is a minor change to parking. Both drive-throughs have been eliminated. C. Smith noted the location of the proposed ATM. A key-coded gate is proposed for the residential units so commercial traffic does not enter the parking area in the rear. All of the angled parking in that area has been removed. The entrances are identical to the original proposal. There will be an impervious reduction of just over 2,000 square feet. There is no change to the approved stormwater facilities.

M. Fougere stated there is a Conditional Use Permit and a waiver for lighting. C. Smith reviewed the lighting of the site. The parking areas are well lit, and the building mounted lighting is shown. They have added building mounted lighting to the entrances to the residential area. The luminaire has been removed: there are no longer parking stalls in that area. There are two pole mounted lights adjacent to the proposed concrete sidewalk in the rear. C. Smith reviewed the waiver request (copy on file).

M. Fougere stated the project is identical to the plan approved by the Board in February 2022. From a site perspective, there is no change. A dumpster has been added to the Bramber Valley Drive side; residents will use the dumpster in the rear. M. Fougere has recommended evergreens be added around that structure for shielding. Trees and shrubs are indicated on the plan for the rear of the property;

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some existing vegetation will remain along Bramber Valley Drive. M. Fougere felt it would be better to relocate the landscaping to the front. The abutter to the rear has requested a fence and will work with the applicant. The applicant and abutter will be working together to remove some of the tall evergreens. Septic approval will be from NHDES. The Board will need to approve a Conditional Use Permit for the use.

C. Smith noted when the plan was originally submitted to the Board as a commercial project, the differential in the estimated vehicle trip in and out of the property was higher than currently projected for this project with the residential component. F. Catapano noted the two drive-throughs have been eliminated and an ATM added. They anticipate less than 400 vehicle trips per day, which is less than previously projected.

B. Dion questioned the number of businesses anticipated. F. Catapano responded it could be as many as five. The preliminary design is three stories. Very preliminary architectural designs were shown to the Board. The second floor is the first floor at the back of the building. Retail will face Portsmouth Avenue.

M. Fougere stated there were minor details to work out; it was basically the same plan approved in February 2022. F. Catapano noted the original concept was retail/residential but that was a problem with the Zoning Board; they changed their plan to be commercial.

J. McDevitt discussed the driveway entrance on Portsmouth Avenue. He questioned if there was a safety issue with the cobblestone 'bump-out' in the middle of Portsmouth Avenue. C. Smith responded they did not have an issue with the cobblestones. Their traffic engineer recommended it be removed because it was useless. F. Catapano noted it had nothing to do with his project; the traffic engineer felt it was a bad design. J. McDevitt questioned if there was a safety issue with the cobblestones. C. Smith stated it was not an issue: it did not affect site distance and may provide a little more turning radius. They have done the turning radius with the largest fire truck and it was not a problem.

P. Dion questioned the entrance for residential. C. Smith stated vehicles will enter through Portsmouth Avenue. There will be 'Residents Only' signs posted; F. Catapano noted the resident's entrance on the plan.

J. McDevitt opened the hearing to public comment. Tom Clark, 2 Bramber Valley Drive: Responding to a question from T. Clark, C. Smith explained this project will not have to go back to the ZBA due to a change in the regulations; a Conditional Use Permit is required by the Planning Board. There was discussion regarding the incline at the rear of the building for the residential units; it is approximately an 8% grade at the back of the building. C. Smith pointed out the stormwater flow on the plan. Impervious soil was reduced by approximately 2,000 square feet. There will be a 6-foot vinyl stockade fence along the rear property line as well as plantings. Snow storage was noted on the plan.

Paul Leyden, 8 Boxwood Path: F. Catapano, responding to P. Leyden, stated the original concept showed one or three bedrooms; this plan calls for not more than three-bedroom units. The curb cut on Bramber Valley Drive has not changed and will remain the exit for the commercial and residential areas; it was approved in the previous plan. There will be a small sign out front for the retail units; signage must meet the Zoning Ordinance requirements. There will be signage for the commercial units on the bottom of the overhang and lit by downlighting.

Stephan Toth, 9 Palm Drive: Questioned commercial delivery truck access and parking. F. Catapano stated the tenant list is unknown because marketing cannot be done. C. Smith noted that the largest fire

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truck owned by the Town can get through the parking lot. Commercial tenants may have to coordinate with their delivery drivers. There are adequate parking spaces for the proposed use. F. Catapano noted that the current plan is for the end unit to be a bagel/coffee shop. C. Smith added the standard box truck should not have a problem parking.

There being no further comments, J. McDevitt closed the public hearing and returned to the Board for further discussion.

MOTION: R. Winsor moved to accept the application for 597 & 603 Portsmouth Avenue (Map U6, 1 & 3) as complete. Second – B. Dion; all in favor. MOTION CARRIED

MOTION: R. Winsor moved to approve the waiver from Site Plan Review Regulations - Section V: Design and Construction Requirements, Subsection 5.10 – Lighting, Item ‘E’ – Exterior Lighting Illuminance Levels, requiring a minimum illuminance of 0.4-foot candles and an average of 1.6-foot candles within parking lots. The waiver allows the requirement to be reduced to what is depicted on the plan dated December 22, 2022, on page 4 of 7. Second – B. Dion; all in favor. MOTION CARRIED

MOTION: R. Winsor moved to grant the Conditional Use Permit with the following conditions: the development shall comply with all requirements of the Town of Greenland Site Plan Review Regulations and any site specific conditions established by the Planning Board; the use will not materially endanger the public health or safety; traffic and parking associated with the proposed use shall safely operate with other land uses on the property; the use will not have a substantial adverse impact on highway or pedestrian safety; the proposed use shall not degrade the existing level of service to a point where public health and safety is endangered. Second – B. Dion; all in favor. MOTION CARRIED

MOTION: R. Winsor moved to approve the Amended Site Plan Review for 597 & 603 Portsmouth Avenue (Map U6, 1 & 3: Commercial District A) according to the plan submitted by Beals Associates, Revised 12.22.2022, Project No. NH-772.4, with the following conditions: Should the coffee tenant change, the site owner shall return to the Planning Board to review, including the addition of a reader board/intercom system; based upon landscaping estimate, a bond of \$1,800 shall be held for two years per Site Plan Regulations; the applicant shall work with the rear abutter to come to an agreement on the installation of a fence along the common boundary relative to type, size, and location as well as possible evergreen plantings; all waivers must appear on the plan; proposed trees/shrubs located in the rear of the property shall be relocated to the front of the site. In addition, two additional evergreens shall be placed adjacent to the proposed side yard dumpster; any and all local, state and/or federal permits shall be obtained, including septic approval, and made part of the file, including approval from the City of Portsmouth Water Department; final grading shall be added to the plan; a pre-construction meeting must be held with the Building Inspector prior to any building permits being issued; boundary monumentation must be included in construction cost estimates; a stamped Certificate of Monumentation must be received before the mylar is signed and recorded; the applicant must submit a final full plan set (22"x34") and an 11"x17" plan copy as part of the Planning Board file; the applicant shall submit a digital file of the plan; if the applicant chooses to create condominiums of the proposed units, a subdivision plan shall be submitted to and approved by the Planning Board. This plan is consistent with the Town's Site Plan Regulations and Zoning Ordinance. Second – S. Gerrato; all in favor. MOTION CARRIED

F. Catapano left the meeting; S. Gerome rejoined the Board.

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5. Approval of Minutes

MOTION: B. Dion moved to approve the minutes of Thursday, December 15, 2022. Second – R. Winsor; four in favor, two abstained (S. Gerome, P. Dion). MOTION CARRIED

6. Consent Agenda: Approval of Invoices

- Town Budget - Donahue, Tucker & Ciandella: **\$943.50** (Various)
- PB Escrow Account – Truslow Resource Consulting: **\$202.50** (Tower Place)
- Town Budget – Fougere Planning and Development: **\$1,151.95**
- PB Escrow Account – Fougere Planning and Development: **\$358**
 - Tower Place: \$248
 - Little Tree (Montessori School): \$110

MOTION: R. Winsor moved to approve the Consent Agenda as presented. Second – B. Dion; all in favor. MOTION CARRIED

2. Other Business

- The filing period for elected office is Wednesday, January 25th through Friday, February 03rd. S. Gerome's term is up as well as alternates F. Catapano and P. Dion. J. McDevitt noted that there will be openings on the various Boards.
- Deliberative Session is Saturday, February 04, 2023 at 9:00 am, Greenland School. The snow date is Saturday, February 11, 2023. Voting will be held on Tuesday, March 14, 2023, at Greenland School; polls are open 8 am to 7 pm. Deliberative Session was explained.
- The Technical Advisory Committee of the Portsmouth Planning Board met on Tuesday, January 03, 2023, regarding development at Pease. M. Fougere has met with Susan Parker (Greenland/Newington PDA Representative), Vaughan Morgan (Vice Chair, Board of Selectmen), and Paul Sanderson (Town Administrator), J. McDevitt and S. Gerome. J. McDevitt stated there was discussion regarding the build out at Pease. Several years ago, M. Fougere was told by their lead attorney that based upon legislation that created Pease, they were prohibited from addressing any off-site impacts resulting from development on Pease. During the meeting earlier in the day, J. McDevitt questioned where that was written. TA Sanderson will find the legislation and get a copy to the Board.

M. Fougere noted that the last step of a project is approval by the Portsmouth Planning Board. The building is projected to be 227,000 square feet with 234 employees; 10% will be using Rt. 33 according to their traffic engineer. The Greenland Planning Board can request that the Portsmouth Planning Board table the project until Rt. 33 is addressed. Another option is to request a peer review of the traffic study by the Greenland Planning Board's traffic engineer. The Greenland Planning Board could also recommend denial of the plan until Rt. 33 is addressed; if the Portsmouth Planning Board approves the project, Greenland can sue or file a motion to appeal. It would have to go to the Superior Court Housing Appeals Board.

R. Winsor noted that Greenland has tried to work with the PDA and Portsmouth Planning Board for a number of years. M. Fougere commented that 2.3 million square feet of property has been developed at Pease. R. Winsor continued that the PDA and Portsmouth Planning Board is not interested in doing anything, and they were not going to do anything; it has been nothing but a

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roadblock. R. Winsor was fully on board with 'flat-out swing them'. J. McDevitt noted that NHDOT Division 6 was not going to do anything; they have no funding for roads.

It was noted that the Winnicut River Bridge was the issue. Rt. 33 should be four lanes. M. Fougere noted that in 2020 it would have cost \$3.3 million to \$5 million to fix. Greenland is on the 10-year plan for an engineering study. R. Winsor commented it was time to address the issue in a different way. J. McDevitt suggested that at the work session on Thursday, February 02, 2023, there be further discussion and the Board prepare an action plan. He was in full agreement that it was 'time to take the gloves off'; he did not have a problem with going to court. M. Fougere will arrange a phone call with Attorney Roy Tilsley, Bernstein Shur, during the work session on Thursday, February 02, 2023; that portion of the meeting will be non-public. M. Fougere noted that Attorney Tilsley has a strong background in land use and was highly recommended.

- J. McDevitt commented that there are new railroad ties going down on the Bayside Road tracks. They are not 30-foot rails; they are welded and 100-feet. The track improvement is for the trains to go faster and carry more weight. There are 11 crossings in Greenland. According to the regulations, once a train exceeds a specific speed limit, lights must be installed at the crossings. The Town pays 50% of the cost. M. Fougere noted that PanAm was bought out by CSX.
- B. Dion noted that funding needed to be included in the CIP for the Winnicut River Bridge improvements; the State always asks for additional funding from the town.
- A regional needs assessment is being done State-wide. By 2030, Greenland should add 200 housing units; 100 of those should be workforce housing. Under the statute, everyone shares the burden of housing. Greenland has a workforce housing ordinance that meets the statutory requirements. The information the Board received (copy on file) is based on future needs and not existing needs. The numbers are significantly low.

3. Topics for Work Session: Thursday, February 02, 2023

The Capital Improvement Plan will be discussed at the work session.

4. Adjournment

MOTION: J. McDevitt moved to adjourn at 8:08 p.m. Second – R. Winsor; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, February 02, 2023 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant