

MINUTES

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

7:00 PM

MARCH 21, 2019

MEMBERS PRESENT: Dexter Legg, Chairman; Elizabeth Moreau, Vice-Chairman; Colby Gamester; Jay Leduc; Rebecca Perkins, City Council Representative; Ray Pezzullo, Assistant City Engineer; Jody Record; Corey Clark, Alternate,

ALSO PRESENT: Juliet Walker, Planner Director; Jillian Harris, Planner I

MEMBERS ABSENT: John P. Bohenko, City Manager;; Jeffrey Kisiel and Polly Henkel, Alternate

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I. APPROVAL OF MINUTES

A. Approval of minutes from the February 21, 2019 Planning Board Meeting.

Vice Chariamn Moreau moved to approve the minutes from the February 21, 2019 Planning Board as presented, seconded by Mr. Gamester. The motion passed unanimously.

II. DETERMINATION OF COMPLETENESS

III. PUBLIC HEARINGS – OLD BUSINESS

A. The application of **Thomas and Ann Taylor, Owners**, for property located at **43 Whidden Street**, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to install permeable pavers for two parking spaces and plantings, with 150 ± s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 109, as Lot 2 and lies within the General Residence B (GRB) and Historic District. (This application was postponed at the November 15, 2018 Planning Board Meeting)

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to postpone the request to the April 18, 2019 Planning Board meeting, seconded by Mr. Gamester. The motion passed unanimously.

IV. ZONING AMENDMENTS – PUBLIC HEARINGS – NEW BUSINESS

A. The request of James McSharry to amend the zoning for the property located at 15 Middle Street, Map 126, Lot 12 (former Salvation Army building) from the CIVIC District to Character District 4 (CD4).

Attorney Tim Phoenix spoke on behalf of the owners. Brendan McNamara and Alex Ross were also present. Mr. Phoenix noted that the application was pretty straightforward. There has been a preliminary meeting with the Historic District Commission and the Technical Advisory Committee. The Salvation Army no longer plans to operate their business out of the building. Right now the building is zoned for civic only business. The intent is to convert the building to a 28-unit hotel and restaurant. The application will have to go through the Planning Board and HDC. Nothing can be done until the zoning is changed. Mr. Phoenix has met with Planning Director Juliet Walker and Nick Cracknell in the Planning Department to come up with the best zoning that would fit with the area. The staff memo goes through a very detailed history and the requirements for a CD-4 zone. The staff memo recommends approval.

Chairman Legg requested clarification about whether or not this was spot zoning. Ms. Walker responded that spot zoning is identifying when one or more parcels are zoned to benefit the parcel in a way that doesn't relate the rest of the area. This property is surrounded by other CD-4 and CD-5 zones. It is part of the Character District zoning properties. If a non-profit open to public is zoned as civic and they move, then the parcel has to be rezoned.

Vice Chairman Moreau questioned if there was a reason behind the added height standard. Ms. Walker responded that heights aren't attached to base zoning. It is tied to the street frontage. In this case it made sense to carry the height requirement of the street frontage.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise; the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Gamester moved to recommend to the City Council to re-zone this property, seconded by Ms. Record as follows:

- 1) From CIVIC District to Character District 4 (CD4); and
- 2) From no height standard to 2-3 stories (40').

Mr. Clark noted that there were very few downtown properties like this now. Once the zone changes it will be unlikely to go back. Mr. Clark understood that the Salvation Army was leaving, but maybe they could look for a non-profit replacement. This would be an opportunity for a non-profit to get in downtown. Mr. Clark commented that he was going to vote against the application.

Ms. Walker commented that was a fair point. The City created the Civic District to acknowledge the uses in the downtown for the public. They did not want to unfairly constraint the properties. If this property were under municipal control, then the City would have more say about the outcome. Zoning can only do so much. Mr. Clark commented that it could have been a good opportunity for someone to come in below market and do something good for the property. Chairman Legg commented that the assumption was that the Salvation Army was looking for market price.

The motion passed by a 6-1 vote. Mr. Clark voted against the application.

V. PUBLIC HEARINGS – NEW BUSINESS

- A. The application of **Cate Street Development, Owner & Applicant**, for property located at **428 Route 1 Bypass**, requesting Wetland Conditional Use Permit pursuant to Section 10.1017 of the Zoning Ordinance for 19,567 square feet of temporary impacts and 50,225 square feet of permanent impacts for a total of 69,792 square feet of wetland buffer disturbance to restore the bank of Hodgson Brook, redevelop the lots for residential living space including office and retail space. Said property is shown on Assessor Map 172 as Lot 1, Assessor Map 173 as Lot 2, Assessor Map 165 as Lot 2 and Assessor Map 163 as Lots 33 & 34 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

Vice Chairman Moreau moved to hear items Public Hearings – New Business items A and B and City Council Referral item in combination and vote on them separately, seconded by Mr. Gamester. The motion passed unanimously.

SPEAKING TO THE APPLICATION

Attorney John Bosen represented the applicant and spoke to the application. Jay Bisognano, David Snell from PCA Architects, Rick Lundborne from Fuss and O’Neil were also present. There are two-CUP requests for tonight. The board is familiar with the project. This application has been here on three separate occasions. There will be 250 residential apartments and 23 townhouse with parking. There will be 44,000 square feet of retail and office space with parking. The application also includes a land swap with the City to create a road. There will be 27 workforce-housing units. The ordinance states that to receive a bonus a project needs to provide 20% of the units for workforce housing with 60% AMI. That is not feasible. The application includes the reasoning why. The project will create a road provide a bike path and clean up Hodgson’s Brook.

David Snell walked through some of the images. The parcel is located at Route 1 Bypass and Cate St. The proposed land swap would extend Cate St. to Borthwick Ave. In January Mr. Snell talked about an “as of right” plan and showed the image again. That plan abides by the zoning requirements without any bonuses. It is not in the best interest of the site. The land swap will gain two acres of land, which will allow for the construction of the road. Mr. Snell showed an image that had a zone in purple that would be land for the City and blue for the developer. The applicants

have been working with City Staff for a while on the proposed site plan. Since they last presented there are no changes to the building placement. The building lengths were added to show where relief would be needed. One important thing to note is they are proposing two larger residential buildings instead of 11 smaller buildings. The goal is to build something in the spirit of the ordinance, to create a good public realm and a sustainable development. One of the greatest amenities is the area in the plan called the “junction.” The team envisions a lot of activities happening there with a food and beer hall on the corner. It will be an elevated space between the buildings to make it pedestrian oriented. The residential building will have outdoor seating and amenities that face the junction. It will be a great courtyard between the two buildings. The bottom of the plan shows a public dog park. Mr. Snell showed some renderings of the junction. Building A is the longest façade. The building is broken up by the various building materials and colors. There is a three-story component at the junction; the rest is 4-stories. The top is the façade that faces south. Building B has similar techniques. The commercial building will be on the far right. It breaks in the façade to allow for an entrance to the office tenants and a series of retail tenants. Different material will be used against the Bypass. The project benefits allows for the construction of the road. It redevelops the property and increases the housing supply and jobs for the City. It will also increase property tax revenue. This development will build a community. People will want to be here. The public dog park, green spaces, multi-use path are all improvements. There will be a reduction in impervious surfaces. Mr. Snell showed a table of the areas the project was in compliance and the areas where they need a CUP.

Mr. Bosen walked through the ordinance. The project needs two types of building relief. One for the length of building and another for the units per building per acre. A building cannot be longer than 200 feet and have no more than 21 units per building. The building length and units were outlined for reasons above. The by right plan with 11 buildings is not in best interest of the developer or the City. The Planning Board has the authority to modify the standards of the bonuses. They are not proposing the full density. The Planning Board has the authority to grant a CUP and to approve a different number of WFH units. The WFH units will be the same average gross floor area as the other units and equally distributed throughout the building. The WFH units will be exactly the same as other units in the building. The public realm is satisfied with the bike path. The proposed project is consistent with the City’s goals in the Master Plan. The new development compliments and enhances the area and increases housing. The team has worked on the project for well over year and met with multiple neighbors and City Boards. They have received a positive recommendation from the Conservation Commission on March 15, 2019.

Vice Chairman Moreau questioned if the applicants looked at the different scenarios for 60 vs 80% AMI. Vice Chairman Moreau questioned if they looked at 70% AMI. Mr. Bosen responded that they looked at everything. They looked extensively at various options for WFH, and worked with the lender. This is an 8 million dollar project. There is very little room for error. The number that worked is the one that’s in the proposal. Vice Chairman Moreau questioned if this project would this be built in phases or all at once. Vice Chairman Moreau questioned how that would WFH. Mr. Bisognano responded that they plan to build it all at once, but it will be sequenced. From the time building A is complete building B will be 3-4 months behind it. The plan is to spread the WFH out evenly, so there will be some units in both buildings.

Vice Chairman Moreau requested a presentation on the wetlands permit.

Rick Lundborne from Fuss and O'Neil spoke to the wetlands CUP. The existing property has a fair amount of impervious surface and structures in the buffer. There are some river birch trees in the corner that will be salvaged. The more typical maples will be removed along the bank for a treatment swale and level spreader. Right now the water from the entire 12 acres drains through two culverts. PK Brown is 43 feet from the creek with a debris pile on the bank. All of that will be removed. It will be a green space or edge of the road and path. The proposed plan will have treatment swale and a water quality unit ahead of that to remove more sediment. All catch basins will be tied into manholes. There will be grading behind the trees. A path will be put in to the traffic light. After the trees there will be a planting strip. An area of invasive species will be removed by hand. The non-invasive plants will be maintained. The areas where the invasive plants were removed will be replanted and jugged. Toward Bartlett St. there will be two large-scale bio retention areas. There is a pretty detailed landscaping plan to reestablish the buffer. Seed mixes will be planted where the pavement is removed. There will be a mix of trees and shrubs all along the right of way. There will be street trees in front of the apartment buildings. They just received the infiltration rate testing and test bits. The design and treatment of the road design will be based on that. They will be removing 2/3 of impervious surface with this project.

Vice Chairman Moreau questioned if the bio retention ponds were between the path and the road. Mr. Lundborne responded that they would be. The original plan had a number of them scattered along the buffer. The Conservation Commission requested that they be pulled out of the west side of Cate St. and have a more natural buffer in there. This area is mostly out of the buffer, so they are taking advantage of the corner to put those in. There will be placards to show what they are. Vice Chairman Moreau questioned if there was concern about pedestrians falling in the ponds. Mr. Lundborne responded that they would only be 2 feet deep at most with slight side slopes.

Vice Chairman Moreau questioned if they could change silt fence to silt socks. Mr. Lundborne confirmed that was fine. It can be tricky on the sloped areas near the brook, but they will use it where they can.

Mr. Clark questioned if they had to get an AOT. Mr. Lundborne confirmed that was correct. Mr. Clark clarified that they will do the 15% increase. Mr. Lundborne confirmed that they would. Mr. Clark noted that it was an amazing reduction in volume on the site plan. Mr. Lundborne noted that it would go down when they add the 15%. It is easy to get good numbers when this much pavement is being removed. Mr. Clark questioned if the fertilizer note 7 on CB511 could be included on the landscape plan. Mr. Lundborne confirmed that it could be.

Mr. Clark requested more information about the Bartlett St. intersection. Chairman Legg noted that it was important that the analysis evaluation and decision was part of the site review. It was not connected directly to the CUP. The Board will see it eventually, so it would be good to get briefed. Ms. Walker noted that she could talk about in the perspective of the land swap. The connector road will intersect with Bartlett St. The initial plan is to have the intersection be preferential to the connector road. People coming from the Bartlett St. neighborhood will have a full stop. They are anticipating less traffic from that way. Before the road design is finalized the City will do a peer review to make sure it's designed appropriately. It will be a truck route, so it has to be able to handle trucks appropriately.

PUBLIC HEARING

Everett Eaton of 155 Pinehurst Rd. spoke in favor of the project. It is a good step forward in adding housing to the City. It's expensive place to live. This would be a good opportunity for young professionals to move to the City. Secondly, the City gets a long awaited connector road to divert traffic. It is an under utilized site today. It is not attractive. This proposal will be a big improvement. It will be a significant increase in property tax revenue to the City.

Aaron Smith of 55 Congress St. agreed with Mr. Eaton and noted that it would increase business in the off-season.

Jonathan Sandberg of 160 Bartlett St. strongly supported the project. It will allow young people to moved to the City and stay. It will bring vitality to the City. The land swap for the road is good and will benefit the neighborhood. However, it will benefit the development more. The road will be expensive to construct. The developers should pay for a portion of the construction. That should be considered if possible.

Mike Tiehl owns a business at 767 Islington St. and is an abutter. Everything that has been said about the property seems positive. The City needs more housing. There has not been much discussion about parking. It seems like there's enough on site. The City is trying to minimize the amount of movement needed for parking. There should be public transport accounted for in the future on Cate St. It should be planned for right now to allow for buses to pull out onto Cate St.

Ed Hayes owns 105 Bartlett St. and is a partner at the 30 Cate St. property. The team has been receptive to their concerns and their expertise is impressive. The property is under utilized and will be vitalized to bring something exciting to Portsmouth. Mr. Hayes was impressed with the impervious removal.

Chairman Legg asked if anyone else was present from the public wishing to speak to, for, or against the application. Seeing no one else rise; the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to approve the request, seconded by City Council Representative Perkins with the following stipulations:

1. The plan shall be updated to reflect silt socks instead of silt fence where feasible;
2. Hydrocad data shall be included in the plan set;
3. Fertilizer note on Sheet CD.5 shall also be included on the landscaping plan; and,
4. The plans shall be updated to reflect best management practices for removal of invasive species.

The motion passed unanimously.

- B. The application of **Cate Street Development, Owner & Applicant**, for property located at **428 Route 1 Bypass**, requesting a Conditional Use Permit pursuant to Section 10.5B25 for building length and number of units and Section 10.5B71.20 of the Zoning Ordinance for 22 dwelling units per acre to redevelop the lots for residential living space including office and retail space. Said property is shown on Assessor Map 172 as Lot 1, Assessor Map 173 as Lot 2, Assessor Map 165 as Lot 2 and Assessor Map 163 as Lots 33 & 34 and lies within the Gateway Neighborhood Mixed Use Corridor (G1) District.

DISCUSSION AND DECISION OF THE BOARD

Mr. Clark commented that having the developers do three conceptual reviews helped the project a lot. It's been worth it. Chairman Legg agreed. Vice Chairman Moreau agreed. It helped to give feedback before going into detail.

Ms. Record noted that there were a lot of great things in the project, but she reluctantly supported it because of the WFH concession. This would be a good opportunity to create a good WFH base for other developers to follow. City Council Representative Perkins echoed Ms. Record's comments. However, City Council Representative Perkins recognized several unique aspects to the project. The developer is proposing a step approach. They are asking for a reduction in the bonus they are utilizing. It balances out. It's a unique property that will provide amenities to the City such as daylighting Hodgson's Brook and creating the Cate St. connector road. City Council Representative Perkins was sympathetic to the developer asking for 80% AMI instead of 60% AMI. They reference that some WFH is 80-120 AMI in some areas. It's a reasonable proposal. It is great to have 250 new housing units even if only 27 are WFH. Chairman Legg was also hoping for more, but appreciated the financial analysis the team provided. It's the first full proposal that has come before the Board since the ordinance. There was a lot of analysis used to create the ordinance but the 20% at 60% AMI was a stake in the ground. It may be that the Board can get to 20% sometimes. It may be aspirational. If the Board sees this more over time, then it may need to be revised. This project is for 250 new units with 27 affordable units. The alternative presents 0 units. The City is better off with this plan. Chairman Legg appreciated the process up to now. The team has been very responsive with feedback and Chairman Legg was pleased with the size of the project. It will be good to see the site review.

1) Vice Chairman Moreau moved to find that the proposed project and the proposed conditions of approval satisfy the requirements in Section 10.5B73 and that the proposed project is consistent with the purpose and intent set forth in Section 10.5B11, seconded by City Council Representative Perkins. The motion passed unanimously.

2) Vice Chairman Moreau moved to find that the following modifications to the standards of the Ordinance will promote design flexibility and overall project quality, are required for the development to provide the proposed workforce housing component, and are consistent with the purpose and intent set forth in Section 10.5B11, seconded by City Council Representative Perkins:

- A) A modification to the requirements of Section 10.5B25 to allow building lengths of 355 feet, 205 feet, 305, and 340 feet where a maximum of 200 linear feet is allowed;

- B) A modification to the requirements of Section 10.5B72.10 to allow buildings with 132 and 118 dwelling units per building where a maximum of 36 is allowed;
- C) A modification to the requirements of Section 10.10.5B73.10 to allow 10% of the dwelling units to be workforce housing units where at least 20% is required; and
- D) A modification to the requirements of 10.5B73.10 to allow units that are affordable to a household with an income of 80% of the median income for a 3-person household for the Portsmouth-Rochester HUD Metropolitan Fair Market Rent Area (HMFA) instead of 60% of the median income to qualify as workforce housing units.

The motion passed unanimously.

Vice Chairman Moreau requested to extend the unit affordability longer than 30 years. It should be 60 years. Vice Chairman Moreau would like it to last longer than she was alive. Ms. Walker noted that 30 years was the typical default in most cases. Someone with a little more expertise could explain it better. Things change over time, so holding a specific landlord to 60 years could be problematic.

City Council Representative Perkins agreed with Ms. Walker. The NH Finance recommends 30 years. City Council Representative Perkins was comfortable with 30 years.

Mr. Leduc could not support 60 years. The standard is 30 years. Vice Chairman Moreau commented that she wanted more years because the Planning Boars was giving so much. The reasoning Ms. Walker provided makes sense. The goal is to get affordable housing as long as possible. The City should get a benefit out of it as long as possible. Chairman Legg noted that they could structure it. 30 years is the norm, but the Board could build in a 10-year extension in some way if that is allowed. Ms. Walker noted that she could take it back to the Legal Department to talk about it. Ms. Walker could look into it as a condition or report back. Chairman Legg questioned how Vice Chairman Moreau felt with the condition to pass it and look into a 10-year extension. Vice Chairman Moreau was agreeable. Ms. Walker commented that she would report back on the site plan.

3) Vice Chairman Moreau moved to grant the conditional use permit to allow 22 dwelling units per acre with the requested modification of standards, seconded by City Council Representative Perkins with the following stipulations:

- A) Prior to receiving final site plan approval for the project, the applicant shall provide documentation confirming that the proposed housing units qualify as workforce housing units as defined by this Ordinance and as modified above;
- B) Prior to receiving final site plan approval for the project, the applicant shall provide a proposed covenant or other legally binding agreement that provides enforceable restrictions as to price and occupancy to ensure long-term availability and affordability of the units for a minimum of 30-years (such agreement shall be

reviewed and finalized according to the requirements of the City prior to issuance of a building permit)

- i. The applicant shall work with the City's Planning and Legal Departments to consider the feasibility of including an option in the workforce housing covenant to extend the term by 10 years; and,
- C) This conditional use permit shall expire unless a building permit is obtained within one year from the date granted. The Board may, for good cause shown, extend such period by as much as one year if such extension is requested and acted upon prior to the expiration date.

The motion passed unanimously.

- C. The request of **Ambit Engineering, Inc., Applicant** and the **Donahue Realty Trust, Owner**, for property located at 278 Ocean Road, for the Earth Products Removal and Placement in accordance with Section 10.1020 of the Zoning Ordinance for placement of 814 cubic yards of fill. Said property is shown on Assessor Map 282 as Lot 03 and lies within the Single Residence A (SRA) District.

SPEAKING TO THE APPLICATION

John Chagnon with Ambit Engineering spoke to the application. The applicant owns property on Ocean Road. The front east side of the property slopes away from the current driveway. The applicant wants to prepare the lot for future development. The request is to pull up the loam, fill it and put the loam back down. It won't impact the roadside drainage or site drainage. It will be a vegetated area. It is not an impervious surface change.

Mr. Clark questioned if Mr. Chagnon knew where the fill might be coming from. It is important to verify it's clean. Mr. Chagnon responded that it would be clean fill. Mr. Chagnon was not sure exactly where the fill would come from, but it would come from property the applicant owns. Ms. Walker commented that the applicant would want to provide verification to DPW when work began. Chairman Legg agreed that it could be added as a condition. Mr. Clark noted that DES has rules that state dirty soil can't be moved to a clean site. That should be followed. Chairman Legg noted that DPW would give final sign off.

Mr. Leduc noted that the landowner should test the soil. DES would hold the landowner responsible if it's bad.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise; the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau moved to grant the request, seconded by Mr. Gamester with the following stipulations:

1. The application shall be subject to final review and approval by the Department of Public Works; and,
2. The applicant shall verify the Department of Public Works where the fill will come from.

The motion passed unanimously.

- D. The application of **William L. Pingree, Owner**, for property located at 11 Sagamore Grove, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to infill a previously excavated depression, smooth a 7 ft. path for utility/emergency vehicle access, and the removal of 6 trees with 1,850 s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 201 as Lot 1-1 and lies within the Single Residence B (SRB) District.

SPEAKING TO THE APPLICATION

Peter Reese spoke on behalf of the property owner. This parcel was originally part of a commercial property. Excavation occurred to help build the parking lot. This property was rezoned from waterfront business to residential. A subdivision was created and approved for the construction of a home. The Pingree's now live there. There has been a DES permit issued. The Conservation Commission submitted their recommendation for approval. The land is reasonably suited for this activity. There is a deep depression on the property from the excavation that was done years ago. There is no alternate location. That is where the excavation occurred. There will not be any adverse effect on the wetland. There is a hill before the land goes down to the water. The fill will not be higher than the hill. The alteration of vegetation will only be done to the extent necessary. This is the best alternative with the least adverse impact to the environment. The temporary disturbance area will be re-vegetated when the job is complete. Without the fill it is not safe to walk in the backyard. It could be very easy for someone to slip and fall. The path will give access to the back of the property for maintenance and safety. When the fill is completed it will be reseeded with buffalo grass seed and flowers. It will not need to be mowed. This will ensure the buffer strip is in better shape than what's there now.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise; the Chair closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Vice Chairman Moreau questioned if the Board should ask if the fill was clean. Mr. Clark responded that they have a DES permit already. Chairman Legg noted that the difference on this

one is that the owner is living there. It's in their best interest to have clean fill. The other applicant was preparing the property for sale. Chairman Legg would rather not add it as a condition. Mr. Gamester added that it sounded like it would be purchased fill.

Mr. Clark commented that the concern on the other application was that it was a lot of material. It should be clean. Mr. Leduc noted that he has come across property owners that took the wrong fill because it wasn't tested. Ultimately the owners are responsible for their fill. The owners should always test the fill coming onto their property. Chairman Legg noted that most projects the Board sees often times have to add fill. It is not a specific request on the project. It is well established that property owners have that responsibility. The stipulation is not needed. Vice Chairman Moreau agreed that the stipulation was not needed. The owner should be aware and ensure it's clean. Mr. Clark added that for other projects there are generally other federal permits involved that help regulate that. It's usually taken care of in one form or another.

Mr. Gamester moved to grant the Conditional Use Permit as submitted, seconded by City Council Representative Perkins. The motion passed unanimously.

VI. CITY COUNCIL REFERRAL

A. Proposed land swap at 428 Route 1 By-Pass, owned by Cate Street Development, LLC.

Vice Chairman Moreau moved to recommend approval of the land swap to the City Council with the understanding that City staff will be providing additional guidance to the Council related to this matter, seconded by Mr. Gamester. The motion passed unanimously.

Ms. Walker noted that the comments from tonight on the public transportation and the developers to share in the cost of the road could be part of the consideration for the land swap. That will come back to the Planning Board on the developer's agreement.

VII. ADJOURNMENT

Mr. Gamester moved to adjourn the meeting at 8:28 p.m., seconded by Ms. Record. The motion passed unanimously.

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Respectfully Submitted,

Becky Frey,

Acting Secretary for the Planning Board