

**PLANNING BOARD MEETING
MINUTES
TOWN OF CUMBERLAND
Cumberland Town Hall - 290 Tuttle Road
Cumberland, Maine 04021
Tuesday, October 16, 2012
7:00 p.m.**

A. *Call to Order*

Chairman Neagle called the meeting to order at 7:00 p.m.

B. *Roll Call*

Members Present: Chris Neagle, Chair, Peter Bingham, Gerry Boivin, April Caron, Peter Sherr

Members Absent: John Ferland, Vice-Chair, Ronald Dillon

Staff Present: Carla Nixon, Town Planner, Pam Bosarge, Administrative Assistant

C. *Approval of Minutes of September 18, 2012 meeting*

Mr. Bingham moved to approve the minutes of September 18, 2012 as amended.

Mr. Sherr seconded.

VOTE: Unanimous

D. *Staff Site Plan Approvals: None*

E. *Minor Change Approvals: None*

F. *Hearings and Presentations:*

Mr. Neagle stated the Board conducted a site walk prior to the meeting for the proposed R & N Woods Phase II; at Maeves Way.

- 1. *Public Hearing:*** Extension of Major Site Plan for two (2) six (6) month extensions of approval for Cumberland Animal Clinic at 216 Greely Road, a portion of Tax Assessor Map R04, Lot 34, in the Rural Residential One (RR1) district; Vanir Properties, LLC, Owner, Thomas Greer, P.E., Pinkham and Greer Consulting Engineers, Representative.

Mr. Neagle presented background information as follows: Cumberland Animal Clinic received Major Site Plan approval in October 2011 and has experienced some delays and is requesting a one year extension as allowed by the Ordinance.

Dr. Netland, applicant stated he was present for any questions.

Mr. Bingham disclosed his cat Izzie was a client of the clinic, she may be prejudice, but he felt he could be impartial.

The public portion of the meeting was opened. There were no public comments. The public portion of the meeting was closed.

Mr. Bingham moved to grant two (2) six (6) month extensions for the Major Site Plan approved for Cumberland Animal Clinic at 216 Greely Road, a portion of Tax Assessor Map R04, Lot 34, in the Rural Residential One (RR1) district; Vanir Properties, LLC, Owner; Thomas Greer, P.E., Pinkham and Greer Consulting Engineers, Representative.

Ms. Caron seconded.

VOTE: Unanimous

2. **Public Hearing:** To recommend to the Town Council draft zoning amendments to Chapter 315, Article VI (General Regulations), Subsection 315-415 (Conversions), Section A (Accessory Apartments) of the Cumberland Zoning Ordinance.

Mr. Shane, Town Manager presented background information as follows: This request has come from the Town Council; the amendment would modernize the terminology. Historically, accessory apartments were only allowed in an existing structure; and the use was a special exception which needed to be approved by the Board of Adjustment and Appeals. The amendment will add the use to all residential zones as a permitted use and will be reviewed under the site plan review criteria.

Mr. Neagle commended the Town Council for addressing the issue proactively.

Ms. Caron asked about the restraint to have only one bedroom. If her parents were to have an accessory apartment above her garage she would need two bedrooms.

Ms. Nixon stated that town staff is currently reviewing these areas of the ordinance (Boarding Houses, Manor Houses etc.). She asked that the Board make a recommendation on this proposal as drafted. It could be modified at a later date.

Ms. Caron proposed an amendment to allow two bedrooms that shall not exceed 40% of the living area. There was no second, the motion failed.

Mr. Neagle opened the public portion of the meeting. There were no public comments. The public portion of the meeting was closed.

Mr. Neagle suggested amended language to state how lot size requirements may be waived [by the Planning Board, Staff Review Committee, or Town Planner in accordance with the Site Plan Ordinance.](#)

Mr. Bingham moved to send a favorable recommendation to the Town Council for draft zoning amendments as amended to Chapter 315, Article VI (General Regulations), Subsection 315-45 (Conversions), Section A (Accessory Apartments) of the Cumberland Zoning Ordinance.

Mr. Sherr seconded.

VOTE: Unanimous

1. **Add to Chapter 315 Zoning**
Article 1 Title, Purpose and Definitions
§315.4 Word usage and definitions:

Accessory Dwelling Unit (ADU): A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

2. **Amend Chapter 315 Zoning**
Article VI General Regulations

§315-45 Conversions

A. Accessory ~~Apartment~~ Dwelling Units: Any single-family dwelling or an ~~existing~~ accessory structure, which is either attached ~~to~~ or detached ~~from~~ ~~to~~ the ~~primary~~ dwelling unit, may be ~~constructed~~, altered or expanded to include one ~~apartment~~ additional dwelling unit, ~~in accordance with Site Plan Review requirements and the following standards: subject to the approval of the Board of Adjustment and Appeals as a special exception and in accordance with the following standards:~~

(1) The unit to be added shall include no more than one bedroom and shall not exceed 40% of the total living area of the ~~building~~ primary dwelling unit.

(2) The ~~Board may waive the~~ District lot size requirements ~~may be waived, by the Planning Board, Staff Review Committee or the Town Planner in accordance with the Site Plan Ordinance;~~ provided that the Local Plumbing Inspector indicates adequate capacity and conformity with the State Plumbing Code, but in no case shall such conversion be allowed on a lot smaller than 20,000 square feet ~~unless connected to public sewer.~~

(3) This provision shall not prohibit the conversion of a single-family dwelling to a duplex or multiplex dwelling or the conversion of a duplex dwelling to a multiplex dwelling, so long as said conversion complies with all district and other zoning standards, including but not limited to the minimum lot size per dwelling unit.

~~(4) An accessory apartment may be constructed in a detached accessory structure, provided that the lot standards, and the setback requirements from the single-family dwelling to the accessory structure, for the district in which it is located cannot be met for each structure. The parcel on which the single-family dwelling and the detached accessory structure are located cannot be split so that each structure is on a separate parcel~~

3. Amend Chapter 315 Zoning

Add to all zones where residential uses are permitted with reference to Section 315-45A. Excludes VCC, OC-N, OC-S and I

4. Amend Chapter 229 Site Plan Review §229-2B Classification Levels

An Accessory Dwelling Unit as permitted in Section 315-45A

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3. **Public Hearing:** To recommend to the Town Council draft zoning amendments to the Official Overlay Zoning Map around the east side of Knight's Pond from Resource Protection (RP) to Limited Residential (LR) as shown on the map below; property owned by John Paynter, 445 Greely Road Extension, Tax Assessor Map R06, Lot 29.

Shoreland Overlay Zones



Mr. Neagle presented background information as follows: In the year 2006 the State of Maine modified and updated statewide Shoreland Zoning requirements. Part of these changes included a new map that changed the area around Knight's Pond from Limited Residential to Resource Protection due to the significant wildlife value of the wetlands. The Town updated its maps which affected a local land owner Mr. John Paynter of Greely Road Extension. Mr. Paynter has met with members of the State Legislature with a complaint of unfairness and taking of land without compensation. As a result of those meetings, the State DEP has authorized at the Town's discretion to change these requirements. The Cumberland Lands and Conservation Committee recently met at the request of the Town Council and has voted 3-2 against rezoning the property. The Planning Board's role this evening is to make a recommendation to the Town Council.

Mr. Bingham asked what was in the middle of the pond.

Mr. Shane stated a cranberry bog is in the center.

Mr. John Paynter of 445 Greely Road Extension and owner of the property gave an overview of his presentation to the Legislature stating he bought the property in 2004 with 30+- acres of meadows, woods, and part of a large pond. At the time of his purchase the pond and land around it was in the Shoreland – Limited Residential Zone. The pond is man made with a concrete and earthen dam built in the 1950's. Under Limited Residential zoning he thought there was buildable land along the shore of the pond, possibly 3 lots with water views in the Cumberland 2-acre zone, giving the land future value. Mr. Paynter stated he feels the re-zoning of this property decreases its value. He is in favor of conservation and has allowed public use to the property. Mr. Paynter stated we cannot build up the cause for conservation of land by tearing down landowners. This law is unfair.

Ms. Caron asked for clarification asking if this new zoning designation would prevent him from subdividing his land into potentially three lots.

Mr. Paynter stated yes, however, his hope is to preserve land at the pond and is talking to conservation groups to help preserve this property as a natural resource.

Mr. Bill Shane, Town Manager presented a PowerPoint slide with the representation of the potential for dividing the property into five lots with the 100' Limited Residential zoning. This is a scenario showing only the potential development as the upland edge of the wetland has not been determined.

Mr. Sherr asked if with the increased 250' setback would the property owner lose lots 4, 3 and 5.

Mr. Shane stated yes, and stated that the entire pond in North Yarmouth is in Resource Protection with the 250 setback.

Mr. Bingham asked about the ditch.

Mr. Shane stated approximately at the location of the proposed lot # 4, there is a hand dug trench and the water drains through Oak Ridge subdivision.

Mr. Boivin asked who manages the dam.

Mr. Shane stated this is private property and not Town land.

Mr. Neagle opened the public portion of meeting.

Mr. Neagle stated the Planning Board had received four e-mails regarding this matter. He read into the record e-mails from Jennifer and John Stewart of 12 Oak Ridge Road, the Board received e-mails from Daniel March of 10 Oak Ridge Road; and John Downing of 14 Oak Ridge Road. The Board also had a memo from the Cumberland Town Lands and Conservation Commission which Mr. Neagle shared with the public.

Mr. Peter Wilson of 18 Oak Ridge Road stated he felt the zoning should continue the same as when Mr. Paynter purchased the property.

Mr. John Martin of 11 Oak Ridge Road stated the overflow from the pond flows over his property. He stated he had no notice from the Town regarding this issue prior to the Planning Board notice. He was not informed of previous meetings of the Cumberland Lands and Conservation Committee.

Mr. Neagle stated the Conservation Committee makes no decisions, their meetings are advertised primarily for discussion; tonight's meeting is the first step in the formal public process.

Mr. Martin continued stating he had mixed feelings on the issue; he believes in landowner's rights and also thinks Knight's Pond is a special unique resource which deserves protection for its wildlife habitat. He voiced concern regarding the level of water in the pond, and the ditch that was dug, which appears to have been dug with power equipment. Mr. Martin urged very serious consideration of the issue; the Department of Inland Fisheries and Wildlife felt this was a valuable habitat. He also had mixed feelings about changing zoning from what it was when a person purchased the property.

Mr. Neagle stated he is not persuaded that zoning must stay the same, zoning is fluid and subject to change, and there is no moral imperative to keep zoning the same as when a property is purchased.

Mr. Shane, Town Manager informed the Board that the shaking that was felt around 7:10 p.m. tonight was a 4.6 earthquake.

Mr. Shane continued stating the map was an exercise to show the possibility of lots; this was not drawn by or for Mr. Paynter.

Ms. Nancy March of 10 Oak Ridge Road stated she has lived next to the ditch or brook for thirty years; she has stayed because of the neighborhood. She voiced concern with water in general, she is in favor of natural habitats, clean water and wildlife, but it was very scary when the girl almost drown from the water running down the road into the culvert. She recommended that the board look at the property before making a decision. It is alarming that the pond is now a mud puddle something has changed with the water management; she questioned potential impact to her yard and Knight's Pond.

Ms. Pam Lawrason of 6 Oak Ridge Road said if the state felt it important to protect the pond north of Cumberland in North Yarmouth she felt the entire site should be protected, if the land is valuable as Resource Protection in North Yarmouth it should also be in Cumberland.

Ms. Tina O'Connell of 490 Greely Road Extension stated the big issue is preservation of the pond, it is premature for the town to make a decision without a full detailed soils analysis. Mr. Paynter may be requesting a zone change for something that is not possible, the physical characteristics of the land may prevent building lots. Ms. O'Connell encouraged the board for conservation of the land and voiced concern of setting a precedent.

Mr. John Paynter of 445 Greely Road, land owner stated he did not dig the ditch. He stated it appeared to be dug by hand. He felt the laws to protect the land are not fair, his long range plan is to have trails, and the nature area preserved around the pond, it is a unique resource. He was the only property owner adversely impacted by the Town's zoning change. As a landowner and conservationist he thinks there should be better ways to preserve land. Mr. Paynter thanked the Board for their time and review.

Mr. George Turner, Town Councilor stated he has been in town since 1978 and aware of Knight's Pond; he stated unequivocally that Mr. Paynter did not dig the ditch. He stated the current pond level is historically the same as it was prior to the beaver dam.

Ms. Susan Penza-Clyne of 17 Oak Ridge Road asked why the Board was considering the change.

Mr. Neagle said the State amended the shoreland zoning and mandated the town change the zoning around Knight's Pond to Resource Protection. The state has since held public hearings at which Mr. Paynter presented his concerns, and re-looked at the pond and has given the Town the option of changing it back to its original Limited Residential zoning.

Mr. Paynter stated the other side of the pond and the portion located in North Yarmouth is in Resource Protection.

The public portion of the meeting was closed.

Mr. Bingham stated he has lived in town since 1970 and this is private property which is enjoyed by the public by the landowners' generosity. The State mandated the change in zoning and previous to the change the pond was fine. He has been a member of the last three comprehensive plans and this location and Blueberry Hill are areas that the Town would like to see preserved. Realistically with soils test maybe there are two or three lots at most that would be developable. He feels private property ownership rights trump and he will vote to have the zoning revert back to Limited Residential.

Mr. Boivin agreed with Mr. Bingham.

Mr. Sherr stated it is obvious that Knight's Pond is a resource to protect, the question is fair and equitable compensation, and how is that obtained. Is it with the property reverting back to Limited Residential zoning or through working with partnership and conservation groups in town? He is not sure if all options have been explored, perhaps there are conservation groups other than the Town that are willing to pay fair and equitable compensation for the land.

Ms. Caron concurred with Mr. Bingham, she agrees with members of the public that zoning changes all the time, but it is usually for the benefit of the town. This change was made by the State, she agrees with her colleagues to revert back to the prior zoning. Ms. Caron thanked the private property owners for their generosity in sharing this valuable resource with town residents.

Mr. Neagle stated it is obvious Knight's Pond is an important resource; in his opinion the Limited Resource zoning provided protection for the area prior to the zone change. I am not persuaded that the animals will not return to Knight's Pond because of a house located 100 feet in the woods. He supports the proposal.

Mr. Bingham moved to recommend to the Town Council draft amendments to the Official Overlay Zoning Map around the east side of Knight's Pond from Resource Protection (RP) to Limited Residential (LR) as shown on the map; property owned by John Paynter, 445 Greely Road Extension, Tax Assessor Map R06, Lot 29.

Ms. Caron seconded.

VOTE: Unanimous

Recess: The Board took a five minute recess at 8:55 p.m. and resumed at 9:05 p.m.

4. Public Hearing: Major Subdivision Review for Morrison's Hill Subdivision for 18-single family house lots at Gray Road, Tax Assessor Map U18, Lot 6 in the Village Office Commercial I (VOCI) district; as allowed by contract zone. Walnut Hill Investment, Inc., Owner, Al Palmer, P.E., Gorrill-Palmer Consulting Engineers, Representative.

Ms. Caron recused as she is a direct abutter to the property; she then left the meeting.

Mr. Sherr stated he has members of his firm that have conducted peer review of the project and felt it would not affect his ability to be impartial in his review.

Mr. Neagle asked Mr. Sherr if he had discussed or will discuss this project with co-workers.

Mr. Sherr stated he will not discuss the project.

Mr. Neagle presented background information as follows: The applicant is Walnut Hill Investments, Inc. The applicant is proposing to develop a 16.46 acre site into 18 single family house lots, one of which will be retained by the owner. A contract zoning agreement has been approved by the Town Council that allows for increased density. The contract zoning agreement also states that the purchase price shall not exceed \$225,000 and that purchasers must occupy the home as their principal residence. There are restrictions on resale for the first 2 years. The property is located on Route 100 in the Village Office Commercial 1 (VOC 1) zoning district, as shown on Tax Assessor's Map U-18, Lot 6. There is approximately 982 feet of frontage along Route 100.

The applicant has a purchase and sale agreement dated April 19, 2012 that expires on October 15, 2012. An extension to the contract has been provided.

The applicant is represented by Al Palmer, P.E., of Gorrill Palmer Consulting Engineers, Inc.

PLANNING DIRECTOR'S COMMENTS/DISCUSSION ITEMS:

1. Provide information on amount, ownership, and maintenance of the open space areas.
2. Plan sheet C001 refers to Site Plan Review in the Permitting Notes and Permits sections. Please clarify/correct.
3. There is no existing conditions plan
4. Does the 9/25/12 letter from People's United Bank provide sufficient evidence of Financial Capacity to Board?
5. Market Study?

6. Impact on Municipal Services? Section 7.4 Subdivision Ordinance.
7. MDOT Entrance Permit Outstanding. Layout of lots could be affected by location change.
8. Letter from Portland Water District indicating capacity to serve.
9. MDEP Approval
10. IF&W Letter
11. Letter from IF&W, Historic Preservation
12. Site Walk (for this and Castle Rock)?

DEPARTMENT HEAD REVIEWS:

William Longley, Code Enforcement Officer: No comments at this time.

Joe Charron, Police Chief: No comments

Chris Bolduc, Public Services Director: No comments.

Dan Small, Fire Chief: Comments forthcoming.

Ms. Nixon stated this is a preliminary review; the project is not ready for final approval. The applicant has requested some waivers.

Mr. Al Palmer, of Gorrill-Palmer Consulting Engineers stated he was present with Ben Grover of Walnut Hill LLC. Mr. Palmer reviewed the project as follows:

Parcel size:	16.46 acres
Net Residential Density:	Contract Zoned for maximum 18 lots.
Number of Lots/Dwelling Units:	18 (17 lots to be sold; 1 to be retained by the owner)
Zoning:	Village Office Commercial (VOC1) with contract zoning overlay.
Development Type:	Residential detached single family dwelling units.
Min. Lot Size:	20,000 sq. ft. per dwelling unit
Lot frontage:	75'
Lot Setbacks:	Front: 25'; Rear: 75'; side: 10'
Water	Portland Water District. Capacity to serve letter dated _____ on file.
Sewer:	Private Septic Systems
Open Space:	Square footage not provided, but is shown on plan
Buffer:	A minimum 50' buffer around the perimeter of the subdivision.
Utilities:	Public water and private septic, all utilities will be underground. A capacity to serve letter has been received from Central Maine Power.
Street Lighting:	None proposed.
Roads:	Bud's Trail will be a public road pending Town Council acceptance, the other Road ROW: 50'; pavement width: 22'; 4' gravel shoulder on one side; 5' sidewalk on other side with 4' esplanade.
Sidewalks:	5' wide sidewalk with 4' wide grass esplanade on one side of street
Trails:	An existing trail will be abandoned and a connection to the trail at each end of the parcel will be constructed that will connect the trail to the new sidewalk within the subdivision.
Wetlands:	Approximately 3.38 acres

Mr. Palmer continued stating Cumberland's review process has preliminary and final review. The applicant is also applying for outside agency approvals during the preliminary review. The initial submittal had the access road across from Castle Rock, which impacted wetlands. Since our initial submittal we have heard from the Army Corps and DEP who have both have expressed the desire to

eliminate the wetland impact and extend the upper road to connect to Route 100. The upper access road, Rooster Ridge, will be in the same location but will extend forty feet to Route 100. This request has been forwarded to MDOT for review. The MDOT has reviewed the request and responded with two options that would be acceptable.

One option is to construct the access road as originally shown across from Castle Road. The MDOT understands the Army Corps concerns and recognizes both agencies have a purpose. The MDOT would also allow an alternate second access with the condition that the current two northerly lanes on Route 100, they would want the center land to be striped as a two-way left turn lane. The turn lane would be available for both north and south traffic. The MDOT had indicated that this change would need to be approved by the Town of Cumberland. The next submission will be modified with the upper access road, eliminating the connection opposite from Castle Rock which will decrease the wetland impact. The road in its current location would have approximately 15,000 sq. feet of wetland impact, with the relocated road it will be approximately 2,000 sq. feet of impact.

The existing trail is proposed to be re-located and connect to the sidewalk system and at the northerly end it will exit the site.

Mr. Neagle asked if the trail could be re-located in the woods, towards the buffer or will there be a trail easement on the private lots.

Mr. Palmer stated there is a DEP regulated stream that runs along the westerly side of the site, the trail is within the 75' stream buffer, they are trying to re-locate it out of the stream buffer by having it connect to the sidewalk. There is one item that still needs to be coordinated and that is the historical snowmobile use along the site. Mr. Grover is working with the snowmobile club to formalize use of the trail. The trail would cross the stream buffer but not run parallel with the stream. This plan shows schematic locations of the houses on site, and there are designs proposed to be in conformance with the contract zone. Lot # 1 will be retained by the seller; there is no access from Route 100. They are in agreement with the changes proposed by the Peer Review Engineer.

As a result of review by the Fire Department the two fire hydrants will be moved to the location proposed by the Fire Chief.

Mr. Palmer reviewed the waiver requests as follows:

1. **Traffic Study:** Requested due to the fact that the increase in peak hour traffic generated by the project is only anticipated to be 180 trip-ends. A driveway entrance permit has been submitted to MDOT, but the proposed entrance location has not yet been approved.
This request is withdrawn.
2. **Existing Physical Features (trees 10" diameter or more and stone walls):** Requested due to majority of the development are being within the open field portion of the site.
There is no clearing of notable size trees 10" diameter and there are no stonewalls on the property.
3. **High Intensity Soil Survey:** Due to the small scale of this project and the fact that the project will be served by public water. Test pits have been conducted on all lots to determine suitability for on-site septic systems and a hydro-geologic study has been conducted for the project.
A Medium Intensity Soil study has been submitted.
4. **Soil boundaries and names superimposed on plot plan:** Since a waiver of the High Intensity Soil Survey is requested, a waiver to put the soil boundaries on the plot plan is requested.
They request to not show soil boundaries on the plot plan.
5. **Location of temporary markers in field:** A waiver is requested for location of temporary markers in the field.
Temporary markers will be placed if there is a site walk.

Mr. Bingham asked about the white lot on the plan.

Mr. Palmer stated that is the lot that is to be retained by the seller.

Mr. Bingham stated there doesn't appear to be any buffer issues.

Mr. Palmer stated the contract zone requires a 50' undisturbed buffer around the property.

Mr. Bingham asked about water flow.

Mr. Palmer stated there are two test pits for each lot and mostly run towards Route 100. The septic systems will be to the rear of the houses outside the 75' stream buffer; there will be no negative impact on surrounding properties.

Mr. Boivin asked for clarification on the 10" trees.

Mr. Palmer stated the Cumberland Ordinance requires that trees 10" or greater; in the buffer area are not disturbed, the perimeter buffer will have no disturbance.

Mr. Sherr stated at the August meeting they discussed flexible side setbacks did the Council approve that change to the contract zone.

Mr. Palmer stated the Council adopted the change, the final version of the contract zone has modified setbacks, and the contract zone was signed last week. The side setbacks are 25' combined with a minimum of 8'. Mr. Shane concurred.

The public portion of the meeting was opened.

Mr. Bob Couillard of 55 Lower Methodist Road stated he liked this proposal better than the original one. He asked if there would be an entrance lane on the downhill side or a section to pull off the road before turning into the subdivision.

Mr. Palmer stated as he indicated there will be a traffic study and a right turn will be addressed as part of the next submission the DOT has indicated they don't feel there is need for a deceleration lane.

Mr. Couillard stated he felt the re-stripping was a good idea. He tried to reach Mr. Grover to discuss locating the septic systems on the front of the lots on the backside of the property; his concern was outflow into the brook. The white area on the plan was filled when the water line was installed on Range Road. He likes the hammerhead, and the pathway connecting into the walkway, he would suggest the Town look for a way to connect the trail to the top of the hill where the playground is located. Mr. Couillard suggested bollards and low lighting within the development.

Mr. Neagle stated they are not proposing any street lights.

Ms. Lynda Jensen of 5 Mill Road stated she would like to understand the changes to Gray Road. Is it my understanding that the uphill passing lane will no longer be used as a passing lane? During the winter the passing lane is crucial, to allow cars to go around vehicles that can't make the hill. She agreed it is not necessary all year, but is needed in the winter.

Mr. Neagle thanked her for comments, stating at the next meeting there will be more information regarding Route 100.

The public portion of the meeting was closed.

The Board reviewed the waiver requests.

Mr. Sherr moved to grant the two waiver requests.

Mr. Bingham seconded.

VOTE: Unanimous

- **Existing physical features (trees 10" diameter or more, stone walls).**
- **High Intensity Soils Survey**

Mr. Bingham reviewed the Planner's Comments and asked who would own the open space.

Mr. Palmer stated the Homeowners Association would own the open space and be responsible for maintenance of the stormwater and the trail.

Ms. Nixon asked if the Board felt the financial letter was sufficient.

Mr. Palmer stated that A. H. Grover would construct the site work, and is one of the principle members in A. H. Grover and Walnut Hill Investment, Inc.

Mr. Neagle stated the letter is short but effective and fills the requirement.

The Board discussed a site walk for the Morrison Hill Subdivision and Castle Rock properties.

The Board set a date for the site walk of November 17, 2012 at 8:00 a.m. The Board will park in the Castle Rock Subdivision.

The Board discussed the trail location and will await more information regarding the snowmobile use of the trail.

Mr. Bingham moved to table the Major Subdivision Review for Morrison's Hill Subdivision for 18 single-family house lots at Gray Road, Tax Assessor Map U18, Lot 6 in the Village Office Commercial I (VOCI) district; as allowed by contract zone. Walnut Hill Investment, Inc., Owner, Al Palmer, P.E., Gorrill-Palmer Consulting Engineers, Representative.

Mr. Boivin seconded.

VOTE: Unanimous

G. Administrative Matters - There were no administrative matters.

H. Adjournment: The meeting was adjourned by Chairman Neagle at 10:05 p.m.

A TRUE COPY ATTEST:

Christopher S. Neagle, Board Chair

Pam Bosarge, Clerk to the Board