

**Ashland Planning Board  
Ashland Zoning Board of Adjustment  
Joint Meeting Minutes  
Wednesday, April 7, 2021**

CALL TO ORDER: Mardean Badger, Chair of the Board, called the meeting to order at 6:30 PM. The meeting was conducted via Zoom video and teleconference.

PLANNING BOARD  
MEMBERS PRESENT:

Mardean Badger, Kathleen DeWolfe, Paula Hancock and Susan MacLeod, Land Use Assistant

ZBA MEMBERS  
PRESENT:

David Toth, Charles Bozzello, Mardean Badger

OTHERS PRESENT:

Micheal Latulippe, applicant; Nick Byars and Amy Ober, Owl Brook Builders, co-applicant; Atty. Jack McCormack, agent for the applicants; Tony Randall, surveyor; Lisa and Chris Weiss, abutters; Eileen and William Torrey, abutters; Anna and Arvid Swanson, abutters.

RIGHT TO KNOW LAW: Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically.

Mardean Badger: Tonight's meeting is a joint meeting of the Planning Board and the Zoning Board of Adjustment. Let me explain that just a little bit before we go into our first part. According to the Rules of Procedure of both the Planning Board and the Zoning Board of Adjustment, and according to the RSAs, the Planning Board and Zoning Board of Adjustment can hold joint meetings. When it is a Planning Board and Zoning Board of Adjustment joint meeting, it is the chair of the Planning Board that is in charge of the meeting process. What we are going to be doing today is, first, the Planning Board will open the meeting and take roll call of the Planning Board. Then, the Planning Board will recess. They will not adjourn; they will just recess. At that point, the Zoning Board of Adjustment will start their meeting to hear the application for a variance. The ZBA goes through their normal process -- they open the meeting; they accept the application; they open their Public Hearing during which they hear the presentation from the applicant. They hear comments from abutters and other members of the public. The ZBA can ask questions. Then the Public Hearing is closed by the Zoning Board. The ZBA then discusses the criteria for granting a variance that is relevant to the case. After they have their discussion, they will eventually vote on each of the criteria; that will determine if they grant the variance or not. They then will recess their portion of the meeting. The Planning Board reconvenes and proceeds with the Site Plan Application that they have received. Depending on whether the ZBA does not grant the variance, the Planning Board makes a particular statement; or if the ZBA does grant the variance, the Planning Board proceeds with their Site Plan Review process.

Roll call for the Planning Board: Kathleen DeWolfe, present; Paula Hancock, present; and Mardean Badger, present. The Planning Board recessed the Planning Board portion of the meeting.

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David Toth: I am going to call the ZBA meeting to order at 6:33 PM with roll call: Mardean Badger, here; Charlie Bozzello, here and David Toth here. I wanted to let Jack McCormack know that you are

entitled to have five members of the Zoning Board present for review of the variance. We currently have three members of the Zoning Board present and our only alternate is not present. Would you like to proceed, Jack, or rather wait?

Jack McCormack: Frankly, we are very, very happy that the boards agreed to do this in the first place. We are very grateful for that. I realize the difficulty these days of finding board members of every town and region. I have every faith in the parties here and I see no reason to put this off. I would like to proceed ahead. I have a question about procedures.

David Toth: Our first order of business is to accept the application for Case 2021-02 Application for a Variance for TML 012-002-023, Owl Brook Road, owned by Mike Latulippe, for Commercial Use in the Rural Residential Zone. Do I hear a motion to accept the application as complete?

Mardean Badger: I will make that motion.

Charlie Bozzello: I will second it.

David Toth: We will have a roll call vote: Mardean Badger, yes; Charlie Bozzello, yes David Toth, yes.

David Toth: Before we begin, I just want to go over our process. We will first open our Public Hearing on the variance. The applicant will then make a presentation on the variance. Our process is to have the applicant answer all the questions we need to answer for the variance; then we allow the abutters to respond to that; then we allow the applicant to respond to the abutters and the abutters a final chance to respond to the applicants. At that point we close the Public Hearing, and we deliberate by examining the evidence presented to us on the individual questions. We discuss it and then we vote. In order for the application to be approved, two out of the three members have to approve each one of the questions. If two or more of the ZBA members vote no on any single one of the questions, the application will be denied. So, I will open the Public hearing on the application for a variance at this time, 6:37 PM and ask Jack McCormack to present the applicant's case.

Jack McCormack: Thank you very much. I have one question first. I realize that some of the information being given to each board is a bit overlapping in some respects. Am I to assume that both boards are listening now or are we expected to potentially do this twice? In terms of presentation?

Mardean Badger: Both boards, as far as I can tell, everyone is listening. Jack, as I said to David a few minutes ago, I have copies of all the documents that I can put up on the screen. So, if you want something put up let me know.

David Toth: It might be useful for everyone if you put both the application up and the Site Plan as well, so we can refer to that during the discussion.

Jack McCormack: The Site Plan would be very helpful I assume most of us here know where the property is we are discussing.

David Toth: Yes.

Jack McCormack: Fair assumption?

Mardean Badger: Yes.

*[Displayed on screen: ZBA Variance Application and surveyed site plan]*

Jack McCormack: Thank you. I am Jack McCormack representative of the applicants, who is Mike Latulippe (seated to my right) and Owl Brook Properties LLC Nick Byars and Amy Ober to my right over here.

Jack McCormack: The parcel in question is about 1.38 acres, is on Owl Brook Road, not too far off Route 3. That happens to be in the Rural Residential Zone. Mike would like to convey this parcel, subdivided as it is, to Nick's company and Amy's company for purposes of erecting a structure 25' x 50' in size with a covered entrance. The structure is depicted graphically on the plan and there were some handouts given out before in the form of some renderings. I would look at a Google map Tony Randall put together with respect to the area. If you don't have them now, I assume you have seen them.

Mardean Badger: I can put any of those up.

David Toth: Would you put them up Mardean?

*[Displayed on screen: Google Earth view indicating applicant's property and abutters]*

David Toth: I am not sure the abutters have seen them.

Jack McCormack: Fine

Jack McCormack: The renderings are somewhat redundant, the same thing.

*[Displayed on screen: illustrations of proposed building]*

Mardean Badger: This is the front end when you drive in, the end front of building, other end, another image far end, this is the back of it.

Nick Byars: The last image is of the side of the building facing the road.

David Toth: What is the side that faces the road?

Nick Byars: It is the very bottom one. There is a lot of tree covering between that and the roadside.

*[Displayed on screen: surveyed site plan]*

Jack McCormack: First notice the driveway location. You are looking up the driveway into the building. It is offset to a large degree. There is a gravel driveway and gravel area around the building. You can see the tree line. That is not precise but a good rendition of what would be taken down. There will be a lot of timber left on Owl Brook Road and the side facing the Sampsons to shield the property from view. You can see from the colors, very, very neutral color intentionally so to mute the view from the road. It is a wooded property that will leave a natural barrier as much as we can to shield it from view. No signs will be there no commercial overtones, no exterior commercial signs that you might find annoying. There is nothing to indicate it is not residential when you go by. Now the Google Earth overlay which Tony provided.

*[Displayed on screen: Google Earth view indicating applicant's property and abutters]*

Jack McCormack: What this indicates is that the present woodworking shop is right in the middle. Tony scaled out the distance from the proposed building to the other structures in the area. You can see the Weiss dwelling is over 100 yards [320 feet] away. You can see the Swanson dwelling is farther away, 350 feet, and the Sampson dwelling through the woods is 270 feet. It is not on the road. It is not something that will be highly visible, so the nature of the location should be very reassuring to abutters, neighbors and to the Board. This is going to be used for very few purposes, principally as a woodworking shop. Nick's business is growing by leaps and bounds and he is currently in a small location near the yoga studio. Interestingly enough, his woodworking shop has never affected the yoga studio. There is no noise being produced. It is a very quiet, clean operation. So, the idea of just constructing a woodworking shop, a cabinetry custom woodworking and a small office. In the back, vehicles not in use from time to time are parked in the rear out of view. So, it is not retail in nature. There is no idea of traffic being increased, nothing like that.

Jack McCormack: In terms of the five criteria. If you'd like me to address those now, I could do that.

Mardean Badger: I can put those up.

*[Displayed on screen: applicants' discussion of the variance criteria]*

David Toth: I would definitely like you to do that. Just to remind the abutters -- The ZBA makes a decision solely on the basis of the criteria that we are going to be looking at. We try to make a decision on an objective and factual information and our main concern or only concern is whether the variance meets the spirit of the Zoning Ordinance in town.

Jack McCormack: I would like to say again we are all local people in this room; by that I simply mean we are not developers dropping something and leaving town. The guys who are with me are lifelong residents. They are lifelong residents that have a vested interest. They live in the area. They drive by there. This is not a drop-down development. They haven't said that. A judge once said to me "when you walk into a board meeting you don't leave common sense at the front door. You want to do the right thing." You don't want to sell out the Zoning Ordinance. The Zoning Ordinances are there for a reason. The Ordinances are created in a vacuum. This is real life because nothing is ever quite right. So, let's be practical and proceed. Now the first is whether we can demonstrate that granting the variance is not contrary to the public interest. Basically, as I cited in my attachment the granting of the variance wouldn't be contrary to the public interest. It does not alter the basic character locality or threaten public health or safety or public welfare. Basically, it is a very bright basic building that is quiet. The area is a mixed-use area whether zoned that way or not. Surrounding this lot on two sides is Mike Latulippe's construction. Mike's is a rigorous, intensive, legally standing use. The fellow next door, Mr. Sampson, I believe, and his predecessor operated a certain level of commercial activity there. Mr. Sampson is a talented small engine repairman, I understand. Before that, Jeremy Hiltz was there. This is a mixed-use area in the *de facto* sense. This is something which is devoid of any overtones of that. Now if you look at the permitted uses, they are not very pretty. Agriculture in this zone is permitted as a right. That could be farm, clear cut, farm, and sheep, livestock cows, horses and farm stand, you could have. It is also for timber. You could have a timber stand. You could have clear cut. Those are uses allowed in the zone. I would suggest to you, as an underlying thread here, our use is far more benign. No foot traffic. It will be a very, very quiet respectful nature of the business.

Jack McCormack: Is the spirit of the ordinance observed? Again, I hearken to my previous comments. We think it is. Use is very low in back. No traffic being generated. If you have three teenage kids in a house, there is far more traffic in and out than something like this. This is not something out of

character for the area. It is out of sight. It is quiet. Our use is more in line with the intent of the ordinance. It is not visible. It is not consuming services. It is not a strain on the schools.

Jack McCormack: Is substantial justice being done? This is an interesting one. Basically, I cited some law from the Office of State Planning in my memo. You can't easily articulate what is justice. Each use must be looked at separately by the board members. But the guiding rule is: is this a loss to the individual or is it outweighed by the gain by the public. If it is not, it is an injustice. So, basically, the question is: is our victory to be a loss to the public? I say hardly, No.

Jack McCormack: The values will not be diminished. Again, my take is that it is a wash as to values. It would not increase values or decrease values. No effect on any values. Again, another use (allowed cows, horses, farm) would have an effect on the values. We are not in that same league.

Jack McCormack: The hardship aspect is hard. I am going to deviate somewhat from my memo and talk about what hardship is and what it has become we need to prove. I will basically say to you that it seems to me that this is a mixed-use neighborhood. Again, Mike Latulippe is on two sides of this property and Mr. Sampson is on the third side and a public highway up against it. Now, it is not likely that you are going to sell this as a residential lot. People are not looking to buy places like this. Now the other abutters to us are far removed and no one is going to see us. I think the hardship is that basically this lot is surrounded by commercial and agricultural uses. Now the objective of the ordinance is to protect the misuse of property. The principal proposed use is benign compared to other uses permitted. The hardship here is that you've got something very unusual in my opinion. You have this lot in a mixed-use neighborhood. We talked about the history of the uses. Again, Mike surrounds it on two sides and this other fellow on the other side. It is not likely that you are going to sell this as a residential lot. People are not looking to buy houses in situations like this. Now the other abutters to us are far removed. No one is going to see us. I think the hardship is that basically this lot is surrounded by commercial uses and is not meant to be a residence. So, I think the hardship is, this is an orange surrounded by apples. I think we need to be reminded of that. In the real world, this lot is best used for this purpose. It is not residential. It will not fit there. You would never sell it. Mike has been in business for 35-40 years. You are not going to sell that lot for residential purposes. So that is why the hardship exists. We feel that this use is reasonable and that is the proper statement to apply. Thank you.

David Toth: Thank you Jack. Now we will allow the abutters to respond to Jack's presentation.

Mardean Badger: Just for the sake of our minutes, when someone speaks, please introduce yourselves.

Lisa Weiss: Hi, this is Lisa Weiss, one of the abutters. I wanted to ask whether the written statement was presented? And read by the board members?

Lisa Weiss: Should I read it or assume people have already read it?

David Toth: Lisa, I unfortunately have not seen it. I would appreciate you reading that.

*[Displayed on screen: statement from abutters]*

Lisa Weiss: I am not a lawyer and certainly do not have the same level of knowledge as Jack and the people preparing for this for apparently awhile. I guess I don't have to read the whole thing. But we looked into it from a layperson's perspective. Obviously, we are concerned. I do recognize that we do live in a mixed neighborhood. We have six people who live here full time and recognize that that was

the way it was when we bought the home. We didn't realize it. We thought we were in a rural residential neighborhood. We went across the street to introduce ourselves. But that isn't anyone's fault but our own. However, I feel like one of our concerns about being in a mixed-use neighborhood is that it was grandfathered in. It was deemed a rural residential zone for a reason. So that for me that one doesn't really seem to be right for lack of a better word. In that I don't know why we wouldn't have kept it as a commercial use zone in the first place. So, its intention is to be a rural residential zone by my understanding. If Mike had not subdivided the property, the rule would have been he could not have expanded his commercial operation beyond what it was at the time of being grandfathered in when the rural residential zoning went into place. So, you can see the letter we wrote and our neighbors the Swansons reviewed it, so agreed to the point here. I will say I attended the November meeting and did raise this concern, at that time. At that time, it felt that it was a pretty adamant response by the Planning Board. I guess it would have been that this is rural residential and you can see I copied the notes off the website. That the last statement there was "all future development in the area has to be rural residential." And the people at the meeting didn't respond to the intention that was happening at that time and I suppose legally they didn't need to. But not that we could have objected and because it was a valid subdivision application. Again, I just point to that point that all future development would have to be rural residential. So, we felt fairly good about that. Anyway, we did look up and see the same points that you just had much more legal description under. We thought we would indicate for each four of the five points. I think mostly around your point, Jack, that there wouldn't be noise. And this goes back to the fact that we live in a mixed-use neighborhood. But there I find it really hard to believe that there wouldn't be noise in a woodworking shop that is, as you say, a very growing and prosperous business. There is sawing and drilling and pounding. Noise travels as you all know even if there are trees. And trucks will have to go in and deliver supplies and have to go out and deliver product. And just because we already have trucks, doesn't mean having more trucks will make it more noisy and more of a nuisance and having more work would make it more of a nuisance. Therefore, be more of an impact on property values which is another one of the points there. To me it doesn't seem like the point about it. We already have two companies there, so adding a third one shouldn't be a problem. Adding a third one increases it to being a problem. Even if it increases the noise and traffic, it isn't to the level of the other two are. So, I would say given that it is in a rural residential zone and it was a newly subdivided as rural residential, that property itself and being closer to the road it, in itself, will have an incremental affect beyond the current effect of the two companies that are there. Would increase again the noise nuisance, the traffic nuisance, and the subsequent impact on property values like it would be just a net increase. I don't think the spirit of the ordinance would be observed. I think you already responded to that. To me, the point about the agricultural use, I don't see as a layperson, why that wouldn't always be the case. Why would you have a rural residential if you could make the point a farm would be more noise than a company like a woodworking shop builder. That would be my response to that piece. And to the last piece about the enforcement of the ordinance would not result in an unnecessary hardship. I would return back to the November meeting that given that this property was just subdivided and at that time it was clear from the Planning Board that future development would be rural residential. I find it hard to believe that this would result in an unnecessary hardship to approve the variance. I do just want to close by also agreeing that this is a group of very fine very nice people. I know Mike has been a nice neighbor. I have met Nick and know people who know them, and you have been here your whole lives. We have only been here twenty years. But this is nothing about... I agree with you that that group of people is a fine group of people and would be very respectful. I am not objecting out of any disrespect for the people, and we really want to be thoughtful members of this community, but we feel strongly that just more noise and a variance that is not necessary is not in our life or our residences and I think Mike, Nick and Amy would feel the same way about someone building across from their homes. So that's all I wanted to say for our own rebuttal from a layperson's perspective.

David Toth: Thank you very much, Lisa. Are there any other comments from other abutters?

Arvid and Anna Swanson: Thank you. Just made quick notes here. I would like to say we have only been living here almost thirty years, but with Jeremy Hiltz making a vacancy and Sampson coming in has been amazing, because we don't have the big trucks anymore which used to drive across from our house at five in the morning. For us commercial vs. residential is, I think, really important. Also, we are parents of kids and as our kids were growing up it was more of a residential area. It was really important at that time. I know our kids are older now, but they actually agree with us. We talked about this. My one concern is, if this is made now a commercial plot of land, what happens if Owl Brook outgrows it? That is a small area to have an actual factory. 1.36 acres is nothing because I know that they are going to have people coming in. They are going to have some sort of showroom assuming definitely. So, for us it would be more foot traffic coming in and out. You also need to bring in supplies. You need to ship out the stuff coming across the street from us. I am looking at Sampson's house right now. If there is a plot map, I would definitely see where they would be. I know there'd be trees but in wintertime there is no foliage. It is there; it is right there. And then what happens when they outgrow it? Are they going to sell it? Now that's a commercial plot of land. So, what happens if an oil company wants to come in with their trucks? There are certain things once you gain an area as viable as a commercial zone, there are all kinds of things that can happen. I just want to say I have nothing against the Alberts. They are super nice. We see them every day on our walk. I also don't think it is necessary for Mike Latulippe to subdivide the property. So that comes into a legal matter that Jack knows more about than I do. My one big thing is, if you do make it commercial vs. residential and Jack, as you said, it is not going to be sold as a residential plot. What does that mean for our entire road? What does that mean for my house? I mean if I am going to try to sell my house, is it not going to be sold as residential? So, I think you saying totally drops my property value. So, I mean to me that means a big thing. I have worked on this house for thirty years. For me, for this to become a commercial street, Owl Brook Road becomes a commercial street area, doesn't work well for me when I will my house to my kids or whatever. Mike Latulippe, I love everyone in the area. Mike, we never see him. He has great big trucks that come in. Its more the Weiss' because they are across the road. Mike is way set back in the woods. Actually, I told Anna I have never seen his facility to be honest. I mean it is way tucked in. This facility is going to be really close to the road and for me, commercial vs. residential, it's now almost taking over our area where we live. So that's all I've got, quick notes.

David Toth: Thank you very much for expressing those concerns. Are there any other abutters?

Eileen Torrey: I am Lisa's mom, Eileen Torrey, and my husband is here too, Bill Torrey. We totally agree with what Arvin said. We like the neighborhood, but keep it as is.

David Toth: Thank you very much. Are there other abutter concerns at this time?

David Toth: Now we will allow the applicant to respond to those concerns. We allow the abutters to respond to the applicant's rebuttal.

Jack McCormack: The good thing about these things is that we know each other. The bad thing is that we know each other. I completely understand the concerns, the cast of characters on that road. My comments hopefully can help to address and clarify. The effect of the variance is not to spot-zone a piece of land commercial. It simply says a variance is issued for a very specific reason with very specific limitations. The variance we are getting is one that this is not a facility; is not a showroom. It is a woodworking shop. I don't think there are windows on the roadside, are there? It is a woodworking shop with limited traffic. And so, again, if we wanted to sell the property and someone had a proposed

use that was different from ours and I'm sure there would be, then they would have to come in and do the exact same thing and demonstrate their use as appropriate. The safeguards are in place to protect against creeping zoning and non-residential. My point was that our lot is not like your lot. We are abutted on three sides by commercial uses. You are across the street. Driving by our property no one is going to know what is going on there. Driving by Sampson's, no one is going to know what goes on there. Mike is back in the woods. It is not a case of the trucks are coming in off the highway. The agricultural zone. The name of the zone has nothing to do with uses allowed or one there now. So, again, respectfully this is not opening the door to any creeping anything. This is simply saying this lot, this trapped lot for commercial uses is best served by a very bright but benign unoffensive commercial use in this particular case.

Jack McCormack: Lisa, very good presentation. I am just telling you, that this lot was derived from Mike Latulippe's lot is really irrelevant. Article 5 of our ordinance allows for the orderly expansion of the non-conforming use. The law does recognize that. For this application, I am just clarifying this for you. You say that the subdivision resulted in a lot in the rural residential zone. The Planning Board, I am certain, did not limit the use of the lot. They did not indicate what was going on the lot. Planning Boards don't do that. It is not their job. They give permission to subdivide. In fact, they don't limit the use. The uses are dictated by the ordinance and by the ZBA in zoning cases where the ordinance doesn't quite fit. So, I simply point out that again the name of the ordinance does not dictate what goes on there necessarily. Now with respect to the question about noise and trucks. I am going to give up my seat to Nick to explain that in more detail.

Nick Byars: I am Nick, and Amy and I own Owl Brook Builders and Owl Brook Properties wants to purchase this land. We own a general contracting home builders' business on Owl Brook Road. The shop I have been in is 12' x 20'. It is divided by one dry wall to the yoga studio in Mill #3. They hold yoga classes at the same time I am working there. I have never had any disturbance calls from the other side of the wall saying we are making too much noise. It is very limited to me and maybe one other person making one set of kitchen cabinets for a particular home that we are building. I personally bring my truck, put it in my truck and haul it out. I may go to my shop five times a week, stop in the morning or afternoon to and from work. I pull in with my single pickup truck and go there to get some tools that are stored there; maybe one of my job trailers for my house around the back not seen from the roadside. We want to create a small office for Amy to work at. Building with me and one or two of my guys, tops, working 5-6 hours in one afternoon. I don't run a commercial cabinetry shop. I have no intention of that ever. As far as deliveries go, I may get a small delivery of some lumber, probably not even once a month. Probably ten times a year there would be a truck pulling in to drop off material inside or outside not seen from the road. The use of our office and woodworking shop is not very heavy. It's not even use one vehicle. I wanted to clarify what the use would be and that when I will be there. I don't see it as a disturbance at all. I live on the road. We have kept to ourselves, protected by trees and we want to make this fit. Thank you.

Jack McCormack: Those are our responses to the abutters.

David Toth: Thank you, Nick and Jack. Do the abutters have any responses to what Nick has just told you?

Lisa Weiss: Thank you for that. I am a layperson and did not recognize the authority of the Planning Board vs the ZBA. I was just pulling from the notes that the Planning Board had posted and whether they said all future development would be rural residential in response to my question. I didn't know they didn't have the right to say it. So that was all I was pulling from. So, I wasn't trying to tell you that



what was. I think in respect to the question that Arvid raised that you responded to, Jack, about future owners and selling the property again and starting over. You would be starting over from a different threshold of trying to sell it and from rural residential to a company. You would be starting from the threshold of selling it from commercial use to another company, so I would find it hard to believe that would be an easier bar to jump for someone coming in next. And, yes, I do recognize, thank you, for educating me on the agricultural. I definitely prefer this over a mall. What I am comparing to is what we have right now. And so, what I am saying is compared to what we have right now. This is an incremental increase in noise, and I do understand what you are saying, Nick, about how you are using it right now and the amount of work you are doing right now. And how you intend to do it right now. But this is day one and this is permanent for as long as you are there. And we don't know how that is going to change over the years as you grow and as your business grows. You don't know, five years from now you may have twelve people coming and working with you every day. More traffic and, as far as I think I understand, that would not involve coming back to the Zoning Board to see if you could have a crew of twelve people instead of two. So, I don't think that the intention of what you're doing on day one really is the permanent variance that you're asking for. I don't think we can predict that, so that's my response to that. Thank you.

David Toth: Other concerns?

Arvid Swanson: Yes. I am just going to agree with Lisa on that. I mean, once this is built as a factory, it is a factory. For someone to actually buy the plot of land and to build a house would have to flatten it and then you know become a residential area. Also, I am just curious what is the square footage of the building? I didn't see it. I'm sorry.

Jack McCormack: About 1500 square feet.

Arvin Swanson: I just want to write that down. That's my thing you know. Nick does a good job. I've seen his work, so I know he's only going to grow, so from here it's just a starting point unfortunately across the street from all of us on the road. There aren't many of us, but it is the fact that we kind of want it to be residential. Hopefully, there will be grandkids who come here someday. Just having factory trucks come in and out. Like I said, Hiltz leaving was a blessing. Love those guys too. I know them very well. I feel like it's become a residential road and Nick can attest we walk by you and you walk by us. So, it is just hard to see that whole side of the road become a commercial zone closer and closer to the road.

David Toth: Do the abutters have any other concerns?

David Toth: In that case, I will call the Public Hearing to a close at 7:34 PM.

Mardean Badger: David, the Zoning Board members need to ask questions.

Jack McCormack: For Lisa I would simply point out that the same threshold, the same criteria, exists in the case of any requested variance. If anyone were to buy this place and want to do anything differently or expand it, they would have to sit in my hot seat tonight and do the same thing we are doing. It is not easy. I would not expect the board to pass these out like popcorn. There are protections in the ordinance. I know you take it seriously. But if you're thinking about creeping commercialism, it is not the case. This is not a factory. It is a small structure tucked away. You can't see. You can't hear. It is as benign as it gets. My opinion is halfway between residential and commercial. That is not a legal definition. I just want to correct the record in so far as what our plans are. Thank you.

David Toth: Do board members want to ask questions of the applicant?

Charlie Bozzello: No questions from me, David.

Mardean Badger: I would just like to clarify one statement. Lisa, yes, the minutes of the Planning Board at that time did say rural residential. According to the Planning Board at that point it is a rural residential lot. The Special Exception process is the Zoning Board process. And that is the only way that it would have been used as something other than rural residential. So, from the Planning Board viewpoint, it is in the rural residential zone for that use and anything other than that would have to go to the Zoning Board. And as Jack said, we would have to start over for another use.

David Toth: Mardean, just for everybody's edification, this variance we are granting is still in the rural residential zone. The variance just allows for this particular use in that zone.

Mardean Badger: Yes, and I know people often confuse zone and use. That area is zoned for rural residential. What we are talking about here is the ZBA giving a special allowance to use it for something other than the rural residential definition. But it does not mean the zone of the lot changes. If this business goes away, that lot is still rural residential and as Jack said the process starts over if someone wants to do something outside the rural residential category.

David Toth: Let me ask another question to clarify something else. If Nick were to desire to expand the use of that facility, he would again have to come back before the Planning Board and the ZBA. Is that correct?

Mardean Badger: Yes, if there was substantial expansion; if they were to expand the building; increase the amount of traffic going in and out or change the type of traffic going in and out, it would trigger both boards.

David Toth: So, in other words, it can't be expanded without approval of the Planning Board or approval of the ZBA and without regulation by the Planning Board.

Mardean Badger: That is correct.

David Toth: Just so everyone understands.

Mardean Badger: And Jack, as the attorney, is that correct?

Jack McCormack: Absolutely correct.

Jack McCormack: Any substantial changes or Site Plan Review and comes before the board for Special Exception as the case may be.

David Toth: Even if they were to sell that piece of property and someone else decided to come in and continue the work as a woodshop that would also be considered a change of use. They would also need to come before the board.

Jack McCormack: I disagree. I take the posture that a variance goes with the land. They can come in and do exactly what Nick is doing; exactly what he's doing; there is no change of use in my opinion. If

they expand the showroom or facility or anything else in my opinion would be change of use.

Mardean Badger: However, in our zoning ordinance, actually, the Site Plan Review regulations does say that if there is a change in ownership that it does come back for review.

Jack McCormack: The only one is North America that has that is this. We are not going to debate that now.

David Toth: Thank you, Jack. A question that I have that the Swansons raised – yes, for half the year, the view of the building is shielded by trees. Can the building be seen in the fall and wintertime once the leaves are gone?

Tony Randall: I'm just going to tell you. I live on that street as well. I drive by there every day. This plan has minimal clearing. I put together the overview on Google Earth. I went out there with my GPS unit. I got GPS coordinates for people's houses so we can illustrate how far away everybody was. I know there are some softwood trees towards the Weiss property which is going to help shield. I'll tell you that the building is from the right of way of the road to its closest point 100', okay? You'll see that part of that lot toward the groves is still owned by Mike Latulippe. That in itself is going to form a buffer. You know we can start clearing the under story. I think it will be pretty tough for them to see. I think the person who might see the most, which is probably right now, would be the Sampson lot. Because their yard, if you look at the Google Earth, it is very wide-open and you can see on my Site Plan the lot is clear over to Mike's property. So, I think visually for me is a non-issue a little bit and you can see them through the coverage there. But one of the things around that is to have some plantings put in, if they so choose to do that. I live on that road too. It is a good neighborhood. Everybody on that road gets along. They are all good friends and everything. I don't think this is detracting from the neighborhood. But I don't live right across the street from it. Just down around the corner from it. As far as the visual thing, I think we have done a good job pushing it back far enough so it's not going to be something that people are going to see. I think the color of the building is going to help hide it; the tone of the building will give it that natural buffer; they're trying to keep it in that natural tone. So that's all I have really to offer on that.

David Toth: One of the concerns that I think both of the abutters expressed was a concern about increased noise from the construction. Perhaps Nick could address the noise issues and whether or not measures will be taken in construction to somehow dampen the noise.

Nick Byars: You mean the construction phase of the building?

David Toth: Yes.

Nick Byars: Well, it will be a metal building, so it will go up real fast once it arrives. It will probably be within a week of collection time to put it up. It would be something that would go up relatively quickly. There is going to be some stone wainscoting around it, not like your ugly metal building. Amy and I spent a lot of time designing it. We live there. There will be stonework around the bottom to kind of blend in with the nature of the land. We are going to put a nice wooden front on to it. So, I mean as far as noise goes, I can't say that there won't be any noise. We will obviously keep it between 7:30-3:30 or 4 PM in the afternoon. It will be during regular business day. I think it will go faster than a typical house-build or anything due to the fact that we are bringing in a prefab and erecting it there onsite. Then once it is up, small stuff will be going on inside. Little office space inside for Amy and me to work out of.

David Toth: Is the building going to be insulated? And would that help dampen the sound of saws and pounding?

Nick Byars: I think absolutely. We will spray foam insulate the inside. The space I am working out of downtown has zero insulation in it. But this one will have significant insulation. Keep it efficient but it will be well insulated.

David Toth: OK. Thank you.

David Toth: Maybe this question is out of my jurisdiction, but I'll ask it anyway. If I'm out of line please say so. But will you be using hazardous materials in finishing the cabinets you're working on and what is your plan for the disposal of those materials?

Nick Byars: We do not use any hazardous materials. The only finishing of the cabinets that I make and finish myself is latex paints. Anything I've ever done besides that I send those cabinets out to a finishing shop and we send off to be finished elsewhere. The finishing I do is latex paint.

David Toth: I am assuming you will have vacuum systems to take care of sawdust.

Nick Byars: Yes sir. In the shop I currently run, we have two vacuums that are self-contained. They hook up to all our machines that take care of all the sawdust. I leave it clean and tidy. That is the way I operate.

David Toth: Thank you. Anybody else have any questions?

Mardean: I don't.

David Toth: Am I correct in saying we should call the Public Hearing to a close? I just wanted to thank everybody for their participation and their thoughtfulness in their presentation. I appreciate that. Thank you very much.

The Public Hearing was closed at 7:34 PM.

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David Toth: The next part of our process is for the board to discuss what we just heard from the applicant and also from the abutters in terms of the questions that we heard. After that discussion, the board will vote on each one of the questions. So, I will open it up for discussion before us.

Charlie Bozzello: I have a question and I think it is a question for Mardean. The subject has come up about the expectation that was or was not established by the Planning Board in terms of the residential use of mis-zoning. How long ago was this and do you believe that the Planning Board had an expectation for only rural residential uses?

Mardean Badger: Ok. I believe this was back in December or toward the end of the year. We, the Planning Board, approved the subdivision separating this lot from the larger piece of Mike Latulippe's. At one point we were talking about the rural residential zone. And I know I even went back and listened to the video. And, yes, I said the future development would be rural residential. Did I forget to

say that the ZBA could grant an exception to that rural residential usage? Yes, I forgot to say that. But at that point we had no idea what the lot was going to be used for. It met all of the size and frontage etc. that is required in that zone. The Site Plan for the Subdivision also showed all the setbacks on the lot which showed where the well would fit, and it showed where the septic system would fit. At that time, we had no idea what it was going to be used for.

Charlie Bozzello: Is that typical, going through that subdivision, without someone saying, hey, the reason we are doing this is such and such in a land subdivision.

Mardean Badger: Yes, that is very typical.

Charlie Bozzello: Thank you.

David Toth: Is there any discussion on whether the spirit of the ordinance is observed?

Mardean Badger: I think they do attempt to keep the rural look about that property. It's not an overtly in-your-face commercial establishment. I do believe it does address the spirit of the ordinance.

Charlie Bozzello: What about a resident who moves into an area that is zoned rural residential. Do they have an expectation for development that is consistent with that designation? Or not? Do you have an expectation that can be easily over-turned? I mean, as a member of the ZBA, I mean I take seriously promises that have been set. Expectations that have been implied in your drafting of zoning regulations. I have a tough time seeing where the spirit has been followed here.

Mardean Badger: In the Zoning Ordinance, rural residential definition says the zone provides for low density rural living, open space and the protection of environmentally sensitive areas such as wetlands, floodplains, soils and steep slopes and it has a list of uses that are permitted. It ranges anywhere from two-family dwellings to mobile homes, cluster developments, multi-family dwellings and, as was stated by Mr. McCormack, also would include agriculture, forestry and farming uses. It is quite a wide variety of things.

Charlie Bozzello: But it does not specifically say commercial uses.

Mardean Badger: No. And that is why we are here at the Zoning Board.

David Toth: It doesn't say commercial uses. I think Mr. McCormack made the statement that there is mixed use of the land in that area. So apparently a person across the street had a business and Mike Latulippe whose property this abuts runs a commercial business out of there. The fact that apparently neither one of those business really impact the neighbors in a way that we might expect other commercial businesses to do I mean. The two abutters said that they really don't see Mike, they don't hear anything on Mike's property. They don't really know he's there. I think our question as a ZBA is, is this particular commercial use invasive in that it will increase traffic, it will increase noise, is it going to be visible to neighbors? Or is this really just a use we might compare to agricultural use which would probably be more invasive than this is? That's the decision point I'm looking at to say if this meets the spirit of the ordinance or not. I feel that it does. There might be some minor increase in traffic. I don't see noise being a problem, especially if the building is insulated, and the use is basically due to small projects that support the larger commercial venture.

Charlie Bozzello: Can I do a follow up, maybe it's Mardean's question? I don't know if she has the

answer to this question. It is a question on my mind: has this always been rural residential zoning and what was the intent of it becoming rural residential zoning, as opposed to commercial zoning given that we acknowledge it's a pretty mixed-use area?

Mardean Badger: I don't know. The zoning came in in the 80s. I wasn't involved in land use at that time at all. Obviously, it is a very rural area. Very heavily treed. I would assume it has been for a long time. Why the particular lines were drawn between particular zones I don't know. I think it was primarily to respect the nature of the land at that time.

David Toth: I think we should also mention that Owl Brook is a scenic highway. It is Ashland's only scenic highway. It didn't come up in discussion, but it is, and it is recognized as that and recognized by LRPC as a scenic highway. So, one of the questions we should be asking is: is that going to impact the scenic highway? I don't see that it is.

David Toth: Is granting the variance, by granting the permit, would substantial justice be done?

David Toth: I would like to thank Jack for stating the law here because this is not an easy question to answer. The decision point is whether or not the use, whether the loss to the individual is outweighed by the gain for the public. I am not sure this is even a relevant question to ask in this case. I think the argument was this could not be sold as a residential lot because of where it is and I can't personally make that decision, whether it could be sold as a residential lot. I have no factual basis to judge that. I think that really depends on the real estate market and if someone wanted to buy that particular piece of land as a residence, knowing that Mike had a commercial operation basically right next door. People buy strange pieces of property. People build houses in very strange places. I am not sure that argument really holds here.

David Toth: Both abutters had questions about whether this would decrease the property value or not. We sort of heard arguments on both sides. We don't really have an official evaluation of that and maybe that is something we would like as a Planning Board before we make a decision on this; simply because of the concern of the abutters; we certainly don't want their property value decreased in any way by this particular project.

Charlie Bozzello: I think you need to ask the question what happens when you open the door? Do you create a precedent that jeopardizes the rural residential myths of the properties in the area? It is hard to put the genie back in the bottle. If you want to call something rural residential and you are going to give out variances to operate a commercial business, it probably won't be long before another commercial business. You have to go back to the Planning Board if they want to expand. Can you really put the genie back in the bottle at that point?

David Toth: I think that's a valid concern. I am not sure if it handles property values. What do you feel about property values? Do you think this project really could affect the property values? Is the impact of this so minimal that it really doesn't have any impact on property value whatsoever.

Charlie Bozzello: I think it raises a question for any residential future sale as to what type of neighborhood are you buying into? To the extent that someone is looking to buy a residence, I think there is a value to being in a residential zone that is protected. So, I think it can; I couldn't put a value on it. I think it's part of a consideration that residential property owners should consider.

David Toth: Susan just commented that there is no guarantee when you buy a piece of property in a

rural residential zone that it will only be residential.

David Toth: I live on Smith Hill Road, right across the road about less than 100 yards away to my neighbor's woodshop. My neighbor John had a building business, and he had his woodshop next door over there. I can actually see the woodshop, but I have never heard him building anything over there and I know he's built a lot of stuff over there. He stores equipment over there. But I can't see the equipment because the building blocks that. Then I am not sure whether it impacts my property values or not. I would guess maybe not. I have no idea.

Susan MacLeod: My comment was actually that there is no guarantee that residential use is going to be less noisy, have less traffic, or that you will necessarily get a good neighbor because it is their house. I moved out of a shooting gallery. Several times a week there was an hour or more of gun shooting which at least at this woodworking shop you would not have. The inference that a house is someone's home and it's always going to be quiet and whatever else. And again, having lived with teenagers and a lot of noisy cars that are parked in the driveway, cars going up and down the street all the time. It is not always that residential automatically equals the quiet that you are seeking when you are looking for a house in a rural residential zone.

Charlie Bozzello: We play to expectations. You move into a residential zone because, yes, you may get a nasty neighbor, but at least you do not expect a business to pop up next to you. And, also, it is important to the credibility of the Planning Board. The Planning Board sets expectations for operating in the town particularly commercially. And when the Planning Board is on record as having established an expectation, it is like a precedent in a judicial case. You have to think hard about overturning it, because it has become established in the expectations of the community. From the comments, I glean that may have been the case whether it was intended or not. It was something that happened. I don't think it is inappropriate. I think you want the Planning Board to provide that type of guidance. We have to be very careful that we are consistent in applying that type of expectation.

Susan MacLeod: I just want to comment about the role of the Planning Board here. The expectation is set in the Zoning Ordinance which is voted in by the residents of the town. The Planning Board has to follow those. And that is why there is a Zoning Board. A Planning Board can't waive or change anything in the Zoning Ordinance. But because the Zoning Ordinance cannot be a one size fits all, particularly with properties that were in existence prior to the zoning coming in, that is what a Zoning Board of Adjustment has to deal with. The Planning Board on the other hand with Site Plan regulations deals primarily with commercial and multi-family and nothing to do with residential other than what the subdivisions might create in a development somewhere. It is not up to the Planning Board to make those decisions. I think the statement was simply that the question was, if this lot was subdivided off a grandfathered commercial enterprise, would it also automatically be grandfathered as a commercial enterprise? The answer was no. It was created as a new lot under the Zoning Ordinance of the day which clearly stated that it was rural residential. And the primary uses are in the Zoning Ordinance and that the only way to change that is to go to the ZBA to request a variance or a Special Exception.

David Toth: In our zoning ordinance, it says it provides for variances.

Charlie Bozzello: I appreciate that we have a lot of power in this. I think a good Zoning Board restricts the use of that power particularly when the community has created expectations. I think that is the situation we are in.

Mardean Badger: Just one comment, David. If the ZBA were to grant the variance and the project were

to move to the Planning Board, then the Planning Board has authority to set conditions.

David Toth: We haven't answered the question on property values. Do we want a more authoritative analysis of the impact on property values? Or are we satisfied that this project will not impact property values?

Mardean Badger: I don't think it would make a substantial difference either way. I don't think that is the major issue in this particular project.

David Toth: Ok. On the order of the special conditions on the premises that distinguish it from other properties in the area?

David Toth: No fair or substantial relationship exists between the general public purpose of the zoning ordinance provision and the specific restriction of the property.

Mardean Badger: That goes with the next question; the one about reasonable use. Those two go together.

David Toth: Any discussion on those?

Mardean Badger: This is one where I have trouble getting my words straight. I don't think the...I do feel it is a reasonable use of the property. And I don't believe it has an extreme negative impact on the abutters. I do believe it is fairly balanced.

David Toth: I think the argument here is, do we want to protect from a misuse or overuse of the property? In this case I would agree with you, Mardean, this is a commercial use; it is a minimal impact of that use to the property. There is no environmental harm here. There is no impact or little impact to anyone's view shed here. There is not a substantial increase in noise or traffic. I think for those reasons it is a reasonable use.

Charlie Bozzello: The abutters have gone out of their way with this thing to somewhat unanimously indicate that they disagree. I think it is always important to factor that into the consideration. You might feel one way. I might feel a different way. But the abutters are going to have to live with this. Their point of view and their opinion needs to be weighed. Given that they have unanimously opposed this.

David Toth: I wrote down their concerns because I agree with you, Charlie, that the opinions of abutters really matter. It is really important; their concern about noise, traffic; she was concerned about property values. This is a point (you brought up Charlie) that concerns me in that the land was subdivided in November and all of a sudden it now becomes a commercial enterprise. I wonder if the subdivision was done in the first place and not made clear during the subdivision meeting? Anyone can subdivide their property for whatever reason they want; that does not come into our decision-making. Although I am also concerned about expansion. I think we addressed all those questions; I asked those questions about expansion. We learned that they can't really expand without approval of the ZBA and the Planning Board. If the property is sold, whoever buys it, unless they are running exactly the same business there, would have to go back to the ZBA and the Planning Board for approval of any other commercial use of that land. And even if Nick wants to expand his operation there, he also has to go through that same process. There is a process in place to protect the abutters there.

Charlie Bozzello: Also, the threshold Nick says was him and a helper. If they add one more person,



would they have to come back? If he decides to work overtime is that an expansion? Does he have to come back? How is that defined? It is not easily defined.

Mardean Badger: There are certain ways to mitigate various issues with Planning Board: an example, the Planning Board can set parameters and hours of operation, that type of thing. But I am not sitting here as a Planning Board member; rather here as a ZBA member.

David Toth: I asked questions about noise and whether the building would be insulated, from my own experience living next to a woodshop and never hearing noise when things are open in the summertime. John probably has more equipment in his woodshop than Nick is going to have with his. I think there will be an increase in traffic. Obviously if he's getting deliveries in and out. Is that a substantial increase like heavy truck traffic going up and down Owl Brook? I don't think so, making big deliveries and making big shipments. I think this is basically a small 1500' job. It is not going to have that kind of an impact. So, I think we answered the question about the abutters concerns. At least I am satisfied. With that you might not be Charlie.

Charlie Bozzello: I think we have said enough on any of these issue questions. Is everyone ready to vote at this time?

Mardean Badger: I do need to clarify something you said at the beginning of the meeting on number of votes. We have three ZBA members here. We will need to agree. We will need to have three positive votes on everything. It is not a majority.

David Toth: I'm sorry. Was Jack aware of that?

Jack McCormack: No.

Mardean Badger: Do you agree with that, Jack?

Jack McCormack: I think you are correct. I didn't realize that was the case. I thought based on the conversation at the outset and my client did too that two out of three votes would be enough in this case.

Mardean Badger: I am looking at the NH OSI Handbook for Boards of Adjustment. It does say "The legislature codified this principle in 2018 with revisions to RSA 674:33, III. Whereas the prior version of the statute required three votes to reverse an administrative action or to approve an application, it was silent on denials. As now drafted, three concurring votes are required 'to take any action on any matter on which it is required to pass.'"

David Toth: I am sorry, Jack. I apologize.

Jack McCormack: We are all here in good faith trying to do the right thing. The problem is if we don't do this tonight, we may not have a quorum for quite a while, I'm afraid.

David Toth: Am I correct in saying that the applicant has the right to have more board members than this?

Mardean Badger: You are correct. Yes.

Jack McCormack: Is it safe to assume that the ZBA is having issues getting people on the board? Could it be several months before we could get a full board?

Mardean Badger: We have only one other person who is not here tonight. So, we only have four people on the board.

Jack McCormack: We have to obtain three of four as opposed to three of three for positive vote. Is that correct?

Mardean Badger: Correct.

Jack McCormack: We don't know if that person will come to the next meeting. Is that safe to assume?

Mardean Badger: I don't know.

David Toth: It is safe to assume.

Jack McCormack: My question is would we be required to just exercise one more time? Or would we incorporate our records to that?

Charlie Bozzello: I am pretty sure you would have to start over.

Mardean Badger: I am trying to think, if we continue. We have closed the hearing.

Jack McCormack: Right.

Mardean Badger: If we continue the hearing to a set time, date and location.

Jack McCormack: Right. You can vote, in my opinion, to come out of the deliberative session and you can continue the meeting for further discussion and further argument.

Mardean Badger: And if that fourth member were to be at that continued meeting, would that person then deliberate and vote?

Jack McCormack: In my opinion, yes, but that person would have access to this tape?

Mardean Badger: Yes, oh yes.

Jack McCormack: So that person could walk into that meeting as if they were here tonight.

Mardean Badger: Yes.

Jack McCormack: With no loss of traction?

Mardean Badger: Yes.

Jack McCormack: I would like to confer with my clients briefly. Because of time issues, because if we're going to do this, obviously time is important. [Go off record for a moment.]

David Toth: The other option would be to apply for a rehearing, if we did not all agree.

Jack McCormack: Thank you folks. After brief deliberation, my team is willing to understand what has occurred and have no objection to your coming out of deliberative session, continuing to a date and time certain and we will pick up the pieces then. Again, I am so sorry this has occurred.

Mardean Badger: Your other option is to go with whatever we decide tonight and then request a rehearing.

Jack McCormack: I would rather not do that. Frankly, I am not sure that's good grounds for a rehearing if that's ok.

Mardean Badger: I agree.

Mardean Badger: When could we continue, before we make a motion?

David Toth: Our next meeting is in a month. But I think we would probably need to rehear. I would like to rehear as soon as possible because we made the error.

Mardean Badger: I agree.

David Toth: I would suggest we find out when all four of us can meet and Alan can be prepared.

Mardean Badger: What we need to do, though, is tonight decide on a time and date. That is how we continue it. Otherwise, we have to post and notice if we don't decide on a date tonight. If we leave the meeting and talk to Alan and decide on a date, then we have to post and re-notice everybody.

Jack McCormack: Right. That's correct.

Mardean Badger: With the appropriate time frame. But if we vote to continue it tonight and set that date and time to which we will continue it, then we do not have to repost.

David Toth: Typically, our meetings are on Thursday. But the Planning Board meets on Wednesday. This is part of the Planning Board meeting.

Mardean Badger: Either way. We just have to pick a date. It doesn't have to fit either board's normal schedule.

David Toth: Could we meet again next Wednesday?

Mardean Badger: The 14th?

David Toth: Right.

Mardean Badger: I am available.

Charlie Bozzello: I have no objection to that.

Mardean Badger: The 14th?

Jack McCormack: at 6:30?

Mardean Badger: At 6:30; we will arrange the Zoom information. We will get that set up tomorrow.

Jack McCormack: Thank you very much.

Mardean Badger: David, I would like to make a motion that we continue this meeting to April 14, which is next Wednesday, at 6:30, with the Zoom access information being arranged tomorrow and communicated to everybody.

Charlie Bozzello: Second

David Toth: Those in favor. -- Charlie Bozzello: yes; Mardean Badger: yes; David Toth yes.

Jack McCormack: Thank you very much everybody here.

Mardean Badger: The Planning Board will not determine the application before the Planning Board until we know the decision of the ZBA. We will follow that.

Jack McCormack: When you reconvene, are you still in deliberation? Mr. Cilley will jump in after seeing the tape? Or are we back in the session where we have discussion or public input?

Mardean Badger: I would say we are in deliberation.

Jack McCormack: I think you are now.

Mardean Badger: Yes, we are now.

Jack McCormack: Thank you.

*[Mr. McCormack and other members of the applicant's team left the meeting.]*

David Toth: Now we have to come out of our meeting.

Mardean Badger: We are continuing the deliberation, but this meeting is adjourned.

David Toth: So, this meeting of the ZBA is adjourned at 8:16 PM.

*[David Toth and Charlie Bozzello left the meeting.]*

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Mardean Badger: The Planning Board will pick up next Wednesday, 6:30 PM, for the Joint Meeting of the Planning Board and the Zoning Board of Adjustment. We have to be prepared depending on what decision the ZBA makes. It has to be three positive votes. It is not a majority of who is there, it has to have three votes.

Susan MacLeod provided an update on a recent question regarding water runoff between two

properties, which is not an issue of the Planning Board and is a civil matter between the two parties.

NEXT MEETING

The next meeting of the Joint Meeting of the Ashland Planning Board and Ashland Zoning Board will be Wednesday, April 14, 2021, at 6:30 PM.

ADJOURNMENT

Mardean Badger made a motion to adjourn. The motion was seconded. The motion passed. The Planning Board meeting adjourned at 8:22 PM.

*Minutes submitted by Paula Hancock*