

**MINUTES OF MEETING
PHIPPSBURG PLANNING BOARD
August 10, 2021**

It should be noted that state government restrictions about public gatherings in response to the Coronavirus outbreak were removed on May 24, 2021, so, per the vote of the Phippsburg Select Board on May 19, 2021, were no longer in force at the time of this meeting. The meeting was, as is customary, recorded so that members of the public could also observe without attending in person.

MEMBERS PRESENT: Mark Hawkes, Clifford Newell, Alternates Robert Smith and Ashley Thayer, and Marie Varian, Chair.

1. [2:44] The meeting was called to order by Ms. Varian at 5:01 pm at the Town Hall. Ms. Varian reported that there was a quorum, but there were absent members so she appointed Alternate Ashley Thayer. Ms. Varian stated that Ms. Thayer would serve throughout the meeting.

2. [3:12] **Consider the following minutes:**

- **Regular Meeting on July 13, 2021**
- **Public Hearings:**
 - **July 6, 2021 – Maine Woodland Properties (proposed subdivision)**
 - **July 13, 2021 – Pangea Café (new business)**
- **Site Walk: August 1, 2021 – Glen S. Theall (non-conforming structure)**

Mr. Newell moved to approve the minutes of the regular meeting as printed. Ms. Thayer seconded the motion, which was passed unanimously.

Mr. Newell moved to approve the minutes of the Maine Woodlands public hearing on July 6, 2021, as printed. Ms. Thayer seconded the motion, which was passed unanimously.

Mr. Newell moved to approve the minutes of the Pangea Café new business public hearing on July 13, 2021, as printed. Ms. Thayer seconded the motion, which was passed unanimously.

Ms. Varian reported that the minutes of the site walk on August 1, 2021, were not ready yet, so they will be considered at the next regular meeting of the Planning Board on September 14, 2021.

3. [5:14] **Glen S. Theall, 960 Popham Road, Tax Map 14, Lot 18 – Move and elevate existing non-conforming structure in the Village District of the Shoreland Zone: new foundation, enlarge, add deck.**
Application #2021-23

Ms. Varian stated that the Board had done a site walk and that Mr. Hawkes had taken some notes, which the Board can refer to during their discussion. There were also pictures taken during the site walk.

Ms. Varian turned the meeting over to Mr. Theall. He reported that he had spoken with the DEP regarding the PBRs (permits by rule) for the elevation, new foundation, and installation of retaining wall and raised bed leach field. DEP staff told him that they typically do not stamp and sign PBRs. He reported that he was told by two different people at the DEP that his permit was approved.

Mr. Theall referred to a letter of support from the Town's CEO that was sent to the DEP. Ms. Varian clarified that it was a letter of non-objection, and reported that she had seen it. Neither Mr. Theall nor Ms. Varian has received a copy of it. Mr. Hawkes said that he thought that a copy should be included in the file. Ms. Varian stated that, if the DEP sent something to the applicant regarding the PBRs, the Planning Board would want to receive a copy of that and include it in the file.

Mr. Theall was asked if his plan has changed from his original application discussed at the July meeting of the Board. He said that he no longer is building a retaining wall, nor is he adding a cupola to the roof. He's moving the building 1' to the east, so it will now be 18' instead of 17'.

Ms. Varian reported that she asked the Town's CEO whether there are any changes to his measurements submitted at the July meeting. He said there were not.

Mr. Theall was asked about the existing shed on the site. He said that he was planning to remove it. He understood that the shed's square footage of 76.02 and area of 608.1667 cubic feet, which are not included in the current application, could be used, if necessary, within a year of the removal of the shed.

Mr. Hawkes noted that the only other issue raised at the site walk that has not been discussed at this meeting is that after the building is moved, it will be 1' foot above the flood plain. However, the exact location is not yet known. Because of the 35' elevation limit in the Shoreland Zoning Ordinance, the applicant was reminded that he had to make sure that the change in the location of the building and the increase in the elevation satisfies the requirements of the DEP and does not cause the structure to exceed the 35' limit.

The next issue raised was whether a permit was required from the Planning Board to move more than 10 cubic yards of fill. Ms. Varian confirmed that, according to the "Table of Land Uses" in Section 14 of the Town's Shoreland Zoning Ordinance, a permit to move more than 10 cubic yards of fill in the Village District is issued by the CEO.

The question was raised whether it was appropriate to issue a permit at this time, given the fact that it is not yet known whether the applicant will be able to do the project without exceeding the 35' elevation limit. The consensus of the Board was that they could issue the permit conditioned upon the benchmark needed for elevation purposes. The applicant would be required to submit such information as soon as received from his surveyor.

Ms. Varian interrupted the discussion to acknowledge that she made an error at the beginning of the meeting in not appointing Mr. Smith as a second Alternate. She did so at this time.

Mr. Smith moved to accept the application conditioned upon a benchmark. Mr. Newell seconded the motion. Mr. Newell noted the removal of the cupola and the retaining wall, included in the application, from the project. The motion was passed unanimously.

The applicant said that he would bring in the application fee of \$100.

**4. [1:13:06] Sebasco Harbor Resort, 28 Kenyon Road, Tax Map 29, Lot 11 – Extension of June 9, 2020, permit #2020-07 to renovate swimming pool and pool deck area.
Application 2021-25**

Ms. Varian stated that this application was being considered under Town of Phippsburg Shoreland Zoning Ordinance, Section 16.A.4, “Permits Required” (permit extension); Section 18, “Definitions – Substantial Start”; Section 17.B.1, “Permit Required” (copy on site); Section 17.D.2, “Procedure” (application complete); 17.D.3, “Procedure” (findings).

She reported that the application to renew Permit #2020-07 issued on June 9, 2020, is complete. Section 16.A.4 requires a “substantial start,” meaning 30% of total cost. The delay of this project was due to the contractor being shut down as a result of the Covid 19 restrictions. Thus, it was not possible for the applicant to meet the definition of “substantial start” of the project.

Mr. Smith stated that there are no changes to the project as approved in 2020.

Mr. Newell moved to approve the extension of Permit #2020-07. Mr. Smith seconded the motion, which was passed unanimously.

The applicant paid the fee of \$100 by check #2760.

**5. [1:25:27] David and Tracy Percy, 6 Sea Street, Tax Map 14, Lot 22 – Extension of August 31, 2020, permit to create a nine-unit RV campground to be called Riverside Camping.
Application #2021-26**

Mr. Hawkes offered to recuse himself from consideration of this application, as he is the applicants’ contractor. The Board accepted his recusal.

Ms. Varian reported that this application is being considered under Phippsburg Shoreland Zoning Ordinance, Section 16.A.4 – a one-year extension is allowed upon proof of a “substantial start,” meaning 30% of total cost. A list of receipts totals more than 30% and is on file. The application is complete. She noted that the applicants were also held up by the Covid 19 pandemic, as well as the bidding process of other agencies.

Ms. Varian noted that the applicant is responsible for conditions in original permit and any other permits necessary from any other agencies to complete the project.

Mr. Newell moved to grant the extension. Mr. Smith seconded the motion, which was passed unanimously.

The applicant paid the fee of \$100 by check #11119.

Mr. Hawkes returned to the Board.

6. [1:42:20] Kirk Purdy, 26 Carrying Place Road, Tax Map 27, Lot 83 – Construct seasonal residential 3’W x 22’L ramp and 8’W x 8’L float in the Village District of the Shoreland Zone. Application #2021-27

Ms. Varian reported that this application is being considered under the Phippsburg Shoreland Zoning Ordinance Section 14.1, “Table of Land Uses,” Item 17, “Piers, docks . . .” with note 10 requiring a letter of non-objection from the Town’s Harbor Master; Section 15.D, “piers, docks . . .”; Section 1.D, “Procedure for Administering Permits,” particularly item 3 regarding findings. She stated that the application is complete, including photos of shoreline location. She informed the applicant that, according to a new law, within 20 days of project completion, he is required to submit to the Planning Board photos verifying completion.

She further noted that the Harbor Master has signed a statement dated July 25, 2021, of non-objection to the project.

The ramp and float will be removed to upland location during off-season months. The applicant will secure any other permits required by other laws or ordinances.

Mr. Smith moved to accept the application as presented. Mr. Newell seconded the motion, which was passed unanimously.

Fee of \$100.00 was paid by check #162.

7. [1:51:26] Joanne Thompson, 28 Cold Spring Farm Road, Tax Map 04, Lot 17 – Correct error on July 13, 2021, permit #2021-24. “Allowed expansion” and “Permit will use” should be 851 square feet, not 841 square feet. Application #2021-24

Ms. Varian said that a corrective letter will be mailed to Ms. Thompson, so she will have it for the record. It will have to be recorded. No vote is required.

8. [1:53:21] Maine Woodland Properties, Parker Head Road, Tax Map 9, Lot 3, Represented by James A. Boyle and Joseph Marden – Review Findings of Fact of Preliminary Plan approval of the Kennebec Shores Subdivision and continue discussion of the proposal. Application #2021-06

Mr. Smith stated that he is currently working with Sitelines on a project—not Mr. Marden, but Kevin Clark—and has worked with them for 20 years. He said that it would not affect his

decision in this matter, but he did want it to be disclosed that he has a financial interest in working with Sitelines.

Ms. Varian asked the Board members if they believed that this relationship was sufficient to ask Mr. Smith to step down. The consensus of the Board was that it was not necessary for him to step down.

Ms. Varian then stated that the first thing that the Board has to do is to go over the Findings of Fact.

Mr. Boyle stated that he had a Stormwater Permit from the DEP for the Town Hall to be available for public review. Ms. Varian asked if it was different from what they already had, and he said it was new.

Ms. Varian referenced Section 5.B of the Phippsburg Subdivision Ordinance: “Administrative Procedure to be followed after receiving an application for consideration of the Preliminary Plan for the proposed subdivision.” Ms. Varian noted that, at the July meeting, the Board voted that the information was complete at that point.

Ms. Varian explained that a Findings of Fact is nothing more than a history of what has been done.

She then proceeded to read the “Findings” in their entirety [ends at 2:15:02]

Mr. Boyle noted that, while Lot 14 was 70+ acres originally, it is now 63.73 acres, after taking out the common land (3.32 acres), transfer of land to Eric Lundquist (3.34 acres), and additional land used to lengthen the roads.

Mr. Boyle also noted that the “Findings” referred to 20’ contours, but they’re actually 2’ contours. Ms. Varian responded that she was referring to the Board’s minimum requirements, but she stated that she would add the information in brackets that the contours are actually 2’.

Mr. Marden commented on the reference to the significant vernal pool that was removed from the plan because it was determined by the DEP that it was not a significant vernal pool. He stated that it was actually the Department of Inland Fisheries and Wildlife (IFW) that made that determination, not the DEP.

Mr. Smith commented on the statement that the Board voted to allow the submission of a performance guarantee as a substitute for Section 8.A.4, which states that “no lot in a subdivision may be sold, leased, or otherwise conveyed before an approved road is completed to that lot.” It was his opinion that the Board cannot simply change that requirement. Rather, there is a procedure that the applicant has to go through in order to do that.

Mr. Boyle stated that there was a conflict with Section 11.A, “Types of Guarantees,” which does allow for it. Mr. Smith pointed out that Section 11.A refers to the submittal of the application for Final Plan approval, which is not what the Board is doing. The Board is considering the approval of the Preliminary Plan.

Ms. Varian asked Mr. Smith if he is asking the Board to readdress this issue. Mr. Smith responded that he doesn't think that the lots should be sold before the road is built, which is what the Subdivision Ordinance says. He doesn't believe that the entire road needs to be completed; just that the road would go to any lot sold.

Mr. Newell stated that this was also his feeling when the issue was discussed, although the Board did approve it.

Mr. Hawke said that he remembered Mr. Newell saying that, "What's written in the book should be followed." He stated that's what he thinks.

Ms. Varian stated that she would check on that issue to see if the Board erred in approving that request. If it did, she would initiate the process to undo it.

Mr. Boyle stated that the issue was discussed at length prior to the vote, and the applicant has been relying on that vote. Mr. Boyle also stated that they have done many of these projects—and they do what they say they will do. He offered to give the Board the names of the code enforcement officers of the towns in which they have developed subdivisions who could attest to their reliability and good performance. He also stated that they were prepared to keep the entire escrow account intact—no funds would be withdrawn until the project was complete and leave it to the Board to release the funds when it was satisfied with the road.

Ms. Varian stated that they were not casting aspersions on anyone; they were just concerned to find out if the Board had made a mistake with its vote. If the Board does not have the authority to do what it did with that vote, they need to find out and get it in the record.

Ms. Thayer then read the relevant portion of the minutes of the June 15th meeting, at which the vote was taken:

Discussion then returned to the question of whether they will be able to sell lots before the road was completed, which is specifically prohibited in Section 8.A.4 of the Subdivision Ordinance. It is the applicant's understanding that Section 11.C, "Performance Guarantees: Escrow Account," provides the required protection to the Town and the purchasers to ensure that the road will be completed in a timely fashion.

Mr. Newell moved that lots may be sold prior to the completion of the road so long as the applicant provides a performance guarantee in accordance with the provisions contained in Section 11 as a substitute for the requirement in Section 8.A.4. Mr. Thayer seconded the motion, which was passed unanimously.

Mr. Smith noted that there is no provision for the performance guarantee to offset the requirement that the road be completed before a lot is sold, and therefore the motion which was voted on was in error.

Ms. Varian asked each member of the Board whether, in his or her opinion, the Board should take measures to determine whether the vote taken was an error. Mr. Smith said absolutely. Mr. Hawkes agreed, saying that they should check to see if they did do it wrong, and if they did, how

is it to be corrected? Ms. Thayer said, if the Board can follow through and do what it said it could do, that's fine, but only if it can be done legally.

Ms. Thayer then read the relevant portion of the minutes of the May meeting regarding this issue:

Mr. Boyle reported that, in a telephone conversation with the Town's CEO last week, Section 8.A.4 was brought to his attention: "No lot in a subdivision may be sold, leased, or otherwise conveyed before an approved road is completed to that lot." He asked if the Town would accept the applicant setting up an escrow account, giving the Town signature authority, so that, upon approval of the subdivision application, they can immediately start selling the lots, while they are building the road.

Mr. Boyle referenced Section 11.C, "Performance Guarantee: Escrow Account," of the Shoreland Zoning Ordinance:

"A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Town, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the Town shall be named as owner or co-owner, and the consent of the Town shall be required for a withdrawal."

Mr. Newell said that if the Board overstepped its bounds, which it sounds like it did, there must be a way the Board can correct that. The Board needs legal advice about whether it overstepped its authority.

Ms. Varian stated that she feels that way herself. She will wait to contact the Town's attorney until after she hears from Maine Municipal Association.

Ms. Varian then returned to the "Findings." She stated that she would correct the errors that have been brought up. She also read the final paragraph of that portion of the document.

Ms. Varian then brought up the subject of "Conditions," which have not yet been discussed. She mentioned the following:

- The tree
- The glacial erratic
- Cellar holes
- Roads shall be built to specifications
- Conform to the Comprehensive Plan, which is very strong about keeping the rural character of the town.
- Follow up with the Post Office and the set-aside area. Will they agree to that?
- Ms. Varian received a letter today from the Codes Officer, saying he's reviewed the subdivision. Regarding the proposed road names, he says there's too much similarity between "Kennebec Shores Road" and "Kennebec Shores North Road" for the purpose of

the e-911 addressing. Ms. Varian said that she was surprised he didn't mention "Kennebec Lane," in Popham, as well or only.

- Roads shall remain private roads.
- Lots 1-13 shall not be subdivided in any way without an amendment to the plan. Ms. Varian noted that she was not referring to making two lots from one. Rather, it would be a situation in which one lot owner transferred part of his lot to an abutter.

Ms. Varian then referred to Section 1.D of the Ordinance, "Erosion." She noted that this was not really a condition, but she drew attention to it because it's been a big concern everywhere. Mr. Hawkes noted that there is \$20,000 budgeted for erosion control.

Ms. Varian asked the Board if there were any other conditions to add to the list. Mr. Hawkes asked if the agreement with Mr. Lundquist was all settled. Mr. Boyle said that he believed so. Ms. Varian asked for the Board's consensus on whether her list of conditions is accurate and complete.

Mr. Smith pointed out that the road frontage dimensions for Lot 11 are not consistent on all the plans.

Ms. Varian stated that they needed to finish the Findings and vote on them, noting that she will correct the errors that have been identified. She said that if the motion is to accept them and authorize the Chair to sign them, she can do that.

Mr. Newell moved to accept the Findings as corrected and to authorize the Chair to sign them. Ms. Thayer seconded the motion, which was passed unanimously.

Ms. Varian told Mr. Boyle that, when the Findings were corrected and signed, she would e-mail them to him.

Mr. Hawkes provided more information about the inconsistency raised by Mr. Smith earlier in the conversation. He noted that in Plan C4, in the "Lot Frontage Tabulations," it is reported that the road frontage for Lot 11 (FL1) is 150', and in Plan C3, the figure for L38, which is a portion of Lot 11 that fronts on the road is 138.10'. Mr. Boyle explained that L38 is the length of the right-of-way, and FL1 is the centerline.

Ms. Varian asked Mr. Boyle if there has been any further attempt to contact Mrs. Dillman, the abutter to the north. Mr. Boyle responded that Mr. Emmons hasn't told him that he has done so, but Mr. Boyle hasn't asked him, so he doesn't know.

Mr. Boyle asked, with the approval of the "Findings," what are the next steps in the approval process?

Ms. Varian responded that, normally, the next step is to give the applicants 6 months to get their Final Plan completed. However, since the applicants have already submitted their Final Plan, she proposed that the Board begin the deliberation of them at this meeting if the applicants want to stay for that purpose.

Mr. Boyle responded that they did want to begin. Ms. Varian referred to page 19 of the Subdivision Ordinance, Section 6, *Final Plan Application*.

Section 6.A, “Submissions” requires that the Final Plan conform to the layout shown on the Preliminary Plan, including changes required by the Board. Ms. Varian noted that the applicants had provided the Board with the Final Plan packets required and that they conform to the layout shown on the Preliminary Plan. The remainder of Section 6.A is a checklist of what must be included in the Final Plan. She stated that this section would not be addressed at this meeting, and she went to Section 6.B, “Procedure.”

Ms. Varian referred to item Section 6.B.7 for discussion. This item states that “the Board shall determine whether to hold a public hearing on the Final Plan application.” She said that, judging from the number of people who came to the last one, she wondered if it was necessary to hold another one. She wouldn’t want the people directly involved to feel that the Board didn’t do everything it could to get public opinion. Mr. Smith asked how many had attended the earlier public hearing, and Ms. Varian responded that she believed there were four: two abutters, a woman she didn’t know, and a *Times Record* reporter.

Ms. Varian noted that Mr. Thomson, who was not at the public hearing, has been very concerned about road damage to Parker Head Road, and he would like to see the subdivision move farther to the north so it would be closer to the Main Road. Mr. Hawkes said that would be more land disturbance than anyone would want.

Ms. Thayer stated that she didn’t think a second public hearing was necessary. Mr. Smith agreed.

Ms. Varian asked Mr. Boyle to explain what was on the new map. Mr. Hawkes noted that there would be some road name changes. Mr. Boyle agreed.

Mr. Marden referred to the requirement in the Town’s Subdivision Ordinance that no road slope exceeds 10%, and he pointed out relatively steep portions of the road and stated that they have been designed to comply with this requirement.

In reference to stormwater components, he stated that, since a DEP permit is required, they are required to treat 75% of the impervious area from the road and 50% of the developed areas. The roads are being directed to multiple stormwater buffers around the property. As a driver comes off Parker Head Road, there will be a forested buffer on the downhill side of the road that will collect half of the new road, and there are also some of those same buffers as one continues along the road. There are also what are called spreaders which are pretty much 18” of stone that tie back into the existing grade, so the water has to go into that stone—usually if it’s a large storm in concentrated fashion, it has to spread out into another forested buffer. Mr. Marden then pointed out the buffers in the subdivision plan. He explained that these buffers break up the stormwater coming off the road and mitigate any increase in runoff. Ongoing maintenance over the long-term is that there’s a buildup of leaves and sediments so one has to go in and clean them out every once in a while. Probably during 25-year storms, those are pretty full. Mr. Hawkes asked if there were any detention ponds to catch the water. Mr. Marden said there were not.

Mr. Marden said that 25' - 30' wide passages can be cut through the buffers for driveways.

Mr. Marden discussed the erosion control plan shown on the plans (C6).

Mr. Marden informed the Board that they had submitted the revised stormwater management plan to the DEP and the Oxford County Soil and Conservation District on behalf of the DEP for their comments. Hope to hear from them in about a week.

Submitted Permit by Rule to the DEP for the disturbance within 75' of the stream (by the subdivision entrance). This was submitted with the stormwater permit, so they won't get that back for a little bit.

The 20' apron coming off Parker Head Road will be paved.

Mr. Hawkes raised the issue of Herb Thomson's concerns about the Parker Head Road. The Town has spent hundreds of thousands of dollars to upgrade that. Noted the wear and tear on the road if the subdivision developers have to bring in fill for the 3,000' subdivision road. Mr. Hawkes stated that there should be a condition that, if there was damage to Parker Head Road deemed to have been caused by the installation of the subdivision roads, there should be some kind of guarantee to repair that.

Ms. Varian referred to Section 8.B.11.e, "Certification of Construction," which states: "Upon completion of road construction and at the direction of the Board, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Board at the expense of the Applicant, certifying that the completed road meets or exceeds the design and construction requirements of the subdivision ordinance."

It was noted that this section pertains only to the subdivision roads, but the same principle could apply to the issue of impact on Parker Head Road of the subdivision roads construction. The relevant portion of Parker Head Road would be viewed before, during, and after completion of the subdivision road.

Mr. Newell recommended that a document be prepared by an attorney to set out the procedure to be followed. Mr. Boyle suggested that a state certified engineer is likely to have a template for such a document. He also suggested that the most prudent method would be for the independent, third party engineer retained for this purpose to work with the town's road commissioner and with the Planning Board throughout the construction period.

Mr. Boyle asked about the performance guarantee that they have submitted to the Board. He was curious to know what the process is for that to be evaluated and approved or not. Ms. Varian referred to Section 11.A, which states that the Board would determine the conditions and amount of the performance guarantee, and that the advice of the Road Commissioner and Selectmen may be required as part of this determination. Ms. Varian stated that she presumes that the Board would also seek the advice of an independent party with knowledge on the subject.

With regard to oversight of the subdivision road construction, Mr. Boyle stated that their normal procedure would be that they would retain Mr. Marden to work with anyone the Board sent, the

Road Commissioner or the Code Enforcement Officer or both, to stay in communication with them throughout the construction, and include them when there are meetings on-site with the road contractor.

Mr. Marden said that part of the DEP permit is the project engineer will write a letter confirming that the stormwater ponds have been installed as designed.

Mr. Marden asked about the condition that Ms. Varian included in her list about conformity with the Town's Comprehensive Plan. He asked if they wanted their Final Plan to address conformity with the Comprehensive Plan.

Ms. Varian read the five key goals of the Comprehensive Plan:

1. Maintain the rural character of Phippsburg.
2. Assure there will be open spaces for hunting, working forests, farming and the enjoyment of the residents of Phippsburg.
3. Assure a vital fishing industry with adequate access to the water.
4. Assure a sustained supply of quality drinking water.
5. Assure affordable housing to retain the local working population, the elderly, and the young growing up in Phippsburg.

In response to Mr. Marden's question, Ms. Varian stated that she didn't expect them to come up with any kind of report addressing the Comprehensive Plan; rather, she expected the Board to refer to the Comprehensive Plan when deliberating on questions and making decisions about the subdivision.

Mr. Boyle asked if Ms. Varian was going to follow up with any other of the Town's committees and officials who have not yet commented on the subdivision plan. She confirmed that she would.

Ms. Thayer asked if BnB's would be allowed. Mr. Boyle said he assumed that if it was allowed by the Town, it would be all right with them.

Mr. Marden asked if it would be helpful if they got projections for the impact of the 14 new houses on the transfer station and reached out to them. Ms. Varian said they could, but the transfer station people are still obligated to respond to the letter that she sent.

Ms. Varian stated that she would get a letter out to the applicant that they had presented the Final Plan to the Board.

Mr. Boyle stated that the only changes he anticipates are the changes in the road names.

Mr. Marden asked if the "Conditions" needed to be included on the subdivision plan. Ms. Varian's response was that conditions that have to come back to the Board should be included on the plan. Some of the conditions are taken care of once the Plan is approved, but some continue to be relevant after approval and those need to be written on the plan.

Ms. Varian said they'd go over the Final Plan next month and they may or may not schedule a workshop before the meeting.

Mr. Boyle said that he'd like to come to the next regular meeting and his plan is that he'll make sure that they have completed whatever they need to do. He also wants to check in with the Board to see if there's anything they can do to help complete anything that they have no control over, such as approval of the performance guarantee review, the third party review, the selectmen reviewing the performance guarantee, the town officials that the Board hasn't heard from—police, transfer, and fire—and legal analysis on the Section 11 issue.

Ms. Varian responded that anything that requires the Selectmen's input, she will do that. They would not have a Board meeting with them. Ms. Varian also said that the Town should have a response to the language in the performance guarantee by next month.

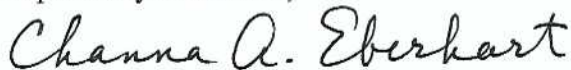
Mr. Boyle said that he's envisioning, ideally, that they would come in September, have everything done and then come back for another meeting—or schedule a meeting—for the "Findings of Fact" and read through and sign in October. So, if all goes well on both sides, they could be approved in October.

9. [3:57:06] **Other Business.** None

10. [3:57:09] **Announcements.** None.

11. [3:57:11] **Adjourn.** Mr. Newell moved to adjourn. Mr. Smith seconded the motion, which was passed unanimously. Meeting was adjourned at 8:55 pm.

Respectfully submitted,



Channa A. Eberhart
Secretary