

**Town of Milford
Zoning Board of Adjustment Minutes
May 5, 2016
Case #2016-04
Controlled Fluidics
Special Exception**

Present: Kevin Johnson, Chairman
Michael Thornton
Joan Dargie
Len Harten
Jason Plourde

Absent: Kathy Bauer, Board of Selectmen Representative

Secretary: Peg Ouellette

The applicant, Controlled Fluidics, c/o Thomas Rohlfs owner of Map 7, Lot 5-6, located at 18 Hollow Oak Lane, in the ICI District, is requesting a special exception from Article VI, Section 6.02.6B to allow the disturbance of approximately 11,352 SF associated wetland buffer areas to construct a 4,455 SF addition and related grading and site improvements.

Minutes Approved on May 19, 2016

Kevin Johnson, Chairman, opened the meeting by stating that the hearings are held in accordance with the Town of Milford Zoning Ordinance and the applicable New Hampshire Statutes. He continued by informing all of the procedures of the Board; he then introduced the Board. K. Johnson stated that Case #2016-04A had been withdrawn. He read the notice of hearing into the record for Case #2016-04B. The list of abutters was read. Chad Branon of Fieldstone Land Consultants, PLLC was present representing the applicant.

C. Branon of Fieldstone Land Consultants came forward, representing Controlled Fluidics and Five R Property. LLC with proposal to expand existing facility on tax map Parcel 7/5-6. T. Rohlfs is owner and applicant and is present seeking a special exception to construct approximately 4,455 SF addition off west side of existing building with associated wetland buffer and impacts. It is 18 Hollow Oak Lane. Two acres, 273 linear ft and frontage. It is zoned ICI, located in West Elm St Overlay District. Currently developed with 7,060 SF building consisting of 1,300 SF office space and 5,760 warehouse space. 21 parking spaces between the building and road and has loading/unloading area off north side of the building. Looking to expand business at the location to meet existing market demand. Due to site consideration and site constraints and site requirement, building options are limited. Proposed layout will require wetland and buffer impacts. Have tried to position the addition to minimize those while providing necessary access. Proposal is 55 x 84 – 4,455 SF addition off west side of the existing building. When contemplating access to and around the building this impact, will consist of 1,618 SF of wetlands

and 11,852 SF of buffer impacts. Some of buffer impacts will be permanent and some temporary. All permanent will be impervious – building, etc. Temporary will be areas that will be vegetated and will be returned to buffer status. Of 11,352 SF of proposed impact, 5,911 will be temporary which makes 5,441 SF permanent. Will employ best management practices during construction to reduce impact. Proposing to place significant portion of the parcel into permanent conservation easement which would preserve approximately 1 acres of land. As designed, site provides for approximately 68 % of open space area which is 38% more than required in local regulations. It meets parking requirements even with proposed expansion. No site alterations proposed along the frontage. Also, no proposed modifications to the current utilities. They met with Conservation Commission and Planning Bd., received conditional site plan approval pending coming to the ZBA for special exception.

K. Johnson asked for questions from the Board.

J. Dargie asked him to address items the Conservation Commission asked for in their memo of 3/11.

K. Johnson first read the memo into the record, which was dated 3/11/16, addressed to the ZBA from the Conservation Commission recommending that the Board approve the application for special exception, after their November site walk, noting that applicant was using best management practices and the permanent restriction to future development on the remaining portion of the property; the memo also contained comments.

C. Branon said they did meet with Conservation Commission re proposal and had lengthy discussion re use of pervious surface treatment along north side of proposed addition. Explained at that meeting and Planning Bd meeting that those treatments not conducive to this type of operation with heavy commercial industrial loads coming in and operating forklifts. This is not good candidate for that particular use. Have not revised plan to necessarily that comment as it specifically pertained to pervious surfaces. But made some modifications to the plan since March 10 meeting. Wanted to address those items 1 and 2 and speak to the modifications and address those concerns. No. 2, re landscaping on north side of addition. When they left the Conservation Comm. meeting they were discussing the original proposal was they were paving the loading area and have a disconnection treatment where they would have sheet draining over a vegetated surface to provide treatment off and some infiltration prior to discharge into wetlands. Conservation Comm wanted them to employ infiltration practices whether a rain garden or implementation of forest products. Instead they revised plan to incorporate leaching catch basin on both sides of the project. Proposing two leaching basins that would treat stormwater runoff thereby satisfying requirements. They had a meeting, since the meeting with the Conservation Comm., with a member of the Conservation Comm. and town staff and understood this design was a good compromise. There is always a push to try to employ low impact design. Rain garden not a good fit. This is area they will be satisfying snow storage requirements. Rain gardens have landscaping components that are quite sensitive to that type of load. They made revisions to the plan trying to address setback. He though they addressed 1 and 2 but in a different fashion. Re 3, they have revised plan to implement vegetative wattles rather than silt fence and #4, to incorporate conservation seed mix as they agreed to do at the Conservation Comm meeting. Since they are not proposing a rain garden, #5 is not applicable since not proposing any landscaping other than conservation easements.

M. Thornton asked if he was comfortable that they had enough rain control.

C. Branon said yes. Looking at existing conditions and proposed conditions they will make slop behind the facility better. Currently it is much steeper as it transitions into the wetland buffer. Majority of the stormwater really going into infiltration area which will address stormwater requirements. Remainder of the letter in large part supports the application. His client, before engaging his services, met with Conservation Comm. and proposed to put back portion of the property into conservation easement, which is 50% of the land. Conservation Commission was agreeable to that. He knew a member of the Commission was present and didn't want to speak for them or put words in their mouths, but that was his understanding of things at this point.

L. Harten said the buffer area disturbance after completion is going to be substantially less than 11,352 ft. He asked for the number.

C. Branon said buffer disturbance will be 5,441 SF. That is permanent. Remainder will be vegetation.

J. Dargie asked him to show buffer disturbance, which C. Branon pointed out the buffer on the map. Everything from that line to the limit of the grading is included in the buffer disturbance, 11,352 SF. Didn't include wetland area proposed to impact. Permanent area is area under the building and another area. All outside that area they would consider temporary because it will all be vegetated. Will provide some traits of buffer – there is stormwater filtration. All runoff from addition will be routed to leaching at either side. Very little stormwater runoff going over the slope – even more compatible than what is currently there. There is no stormwater mitigation today behind existing building. It is entirely a disconnection design where from the peak of the building rain runs off the roof into the back yard and into the jurisdictional area.

K. Johnson asked for further questions. There were none. He said two pieces of correspondence received. One was minutes from Planning Bd. meeting. It was lengthy, so he didn't read all of it into record, other than applicable parts:

"1. S. Robinson mad a motion to grant conditional approval of the application, subject to the following conditions from the staff report dated 3/19/16, and those discussed tonight, that:

1. A note added to the plan stating the subject property lies within the West Elm Gateway District" which the applicant stated. He said the rest were really Planning B issues. #9 & 10 read:

"9. The approval is contingent upon receipt of a Special Exception from the Zoning Board of Adjustment pursuant to Article VI, Section 6.03.6.B of the Zoning Ordinance to allow the disturbance of approximately 11.352 SF associated wetland buffer areas to construct a 4,455 SF addition and related grading site and site improvements.

10. Snow storage be labeled on the plan."

K. Johnson said that motion carried, 6 to 0.

Also received was an e-mail sent to the ZBA from Suzanne Fournier dated March 14, 2016:

" Dear Chairman & Members of the ZBA:

At the Conservation Commission's meeting of March 10th, the members did not review or vote on each of the seven criteria in the ordinance that pertain to a Special Exception for Wetland and Buffer impacts in this case. I believe they should have done so. They did, however, reach a consensus that the Chair would send a letter to the ZBA, although I have not seen that letter.

*Criteria #8 is particularly relevant in the present case – **the impact of the proposed project on the values and functions of the total wetland or wetland complex.** I'll explain.*

At the CC's meeting Mr. Branon of Fieldstone did not show the Commission a full aerial map depicting the larger wetland area. However it's very important for the CC and the ZBA to look at the aerial map that I've pasted below, in order for you to see that the wetlands and buffers that would be impacted by the project are within a larger wetland complex.

Because this complex would disconnect a portion of the wetland complex from the flow above it and the flow below it, and, because it would shrink the wetland and buffer and provide more impervious surfaces, this project would have a serious impact on this wetland complex. I base my comment of the training I received from the State's training program on assessing quality of wetlands called the "NH Method."

Furthermore, critterion #6 raises the question of other landowners impacting the wetlands in the future and the cumulative impact. It is evident from the aerial map that continued impacts to this wetland complex are possible and would likely be even more detrimental to the wetland complex.

I suggest that the ZBA return the matter of the 7 criteria back to the CC for further evaluation and for a vote in order for the ZBA to have more specific guidance regarding the impacts to wetlands and buffers.

I also recommend that the applicant consider requesting a variance from the ZBA for reduced setbacks from the road side of the property in order to make the addition to the building possible at the front of the existing building instead of the rear, thereby not impacting wetlands to the rear.

Thank you for your consideration.

Sincerely,

Suzanne Fournier, M.S.

9 Woodward Dr.

Milford NH

K. Johnson commented that it was not the Conservation Commission's responsibility to evaluate criteria for special exception. It is Zoning Bd.'s responsibility. Zoning Bd looks to them for guidance. They have done so, and Zoning Bd will consider those. He opened the meeting for public comment.

There was no public comment. K. Johnson closed the public comment portion of the meeting and asked applicant to read the application into the record.

C. Branon asked to speak to Ms. Fournier's e-mail and go through criteria.

K. Johnson asked if any Board members had questions about any issues she raised. None. No need to address those.

C. Branon said there were five facts to address:

Description of proposed use:

The purpose of this special exception application is to obtain approvals to allow a local business to expand their operation to address their needs. The expansion will consist of constructing a 4,455 SF addition off the west side of the existing 7,060 square foot building. A review of the attached existing conditions and site plan will show that the expansion options off from the existing building are limited due to various site constraints. As a result the proposed addition and access drive will require a wetlands impact of approximately 1,618 square feet and wetland buffer impact of approximately 11,352 square feet.

1. The proposed use shall be similar to those permitted in the district:

This lot is located within the Integrated Commercial Industrial "ICI" District of the Town of Milford Zoning Ordinance. The proposed use and building addition is similar to those permitted in the district. The existing building consists of 5,760 SF of warehousing space and Controlled Fluidics has out grown this space and is seeking approvals to expand the warehousing space by 4,455 SF off the west side of the building. As part of the building expansion there will also be an access drive constructed which will service the addition and provide emergency access to the rear of the building. The location of the proposed addition has been best situated to minimize wetland impacts and associated buffer impacts while providing for the necessary space for a local growing business. The addition has been located and designed to follow the existing topography to the best extent possible which thereby minimizes the required grading and footprint of disturbance.

2. The specific site is an appropriate location for the proposed use because:

This project proposes to expand an existing established business which is located in the subject site. We believe that the proposed addition has been situated in an appropriate location and will minimize any impacts to the surroundings. The proposed drive is necessary to access the addition and rear of the building for emergency response purposes. The existing lot is 2.0 acres in size and is bisected by jurisdictional wetlands. Many development options were contemplated for the expansion of the business which has included other properties out of Town, properties in Town and multiple configurations on the subject property. We even contemplated utilizing the developable land at the rear of the parcel. This option was selected because everyone felt that this plan was the most appropriate design considering the surrounding wetlands, site topography and business operations. For these reasons, we believe that this site is the most appropriate location for the proposed use.

3. The use as developed will not adversely affect the adjacent area because:

The proposed addition will incorporate erosion control measures and will stabilize disturbed soils until vegetation is reestablished and will not adversely affect the adjacent area. The project will employ best management practices which will also prevent any adverse impacts to the adjacent area. We also believe that the proposed wetland impacts are minimal and as part of the proposal our client is proposing to place the western portion of the parcel into a permanent conservation easement to help offset any impacts resulting from this development. The conservation easement will preserve approximately 0.962 acres (almost half the lot size).

4. There will be no nuisance or serious hazard to vehicles or pedestrians:

The proposed development will not cause any nuisance or serious hazard to vehicles or pedestrians. The site will satisfy all parking requirements and will meet all local design standards. This proposal will not change the traffic flow of the property but will improve access to the rear of the building which can only help access for emergency response personnel. (C> Branon noted they met with Fire Dept. which preferred layout presented)

5. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:

The proposed addition and access design will meet all local regulations and standard engineering practices. The design will provide for safe vehicular access to and from the property. The design will implement best management practices and the property will be serviced by existing connections to municipal sewer and water. This proposal therefore provides adequate and appropriate facilities for the proposed use.

He then read from the application for the criteria in Article VI, Sec. 6.02.7:

1. The need for the proposed project: The purpose of this special exception application is to obtain approvals to allow a local business to expand their operation to address their needs. The expansion will consist of constructing a 4,455 SF addition off the west side of the existing 7,060 square feet building. A review of the attached existing conditions and site plan will show that expansion options off from the existing building are limited due to various site constraints. As a result the proposed addition and access drive will require a wetlands impact of approximately 1,618 square feet and wetland buffer impact of approximately 11,352 square feet. As you can see by reviewing the existing conditions the site is very restricted from an expansion standpoint. The subject parcel is bisected by a jurisdictional wetland near the middle of the property which limits the use of the property unless the wetlands are impacted for development.

Many development options were contemplated for this property which consisted of different addition configurations as well as trying to access developable land at the rear of the parcel. This option as selected because everyone felt that this plan was the most appropriate design considering the surrounding wetlands, site topography and business operations. We believe that the proposed addition has been situated in an appropriate location and will minimize any impacts to the surroundings. The proposed drive is necessary to access the addition and rear of the building for emergency response purposes.

2. The plan proposed is the alternative with the least impact to the wetlands, surface waters and/or their associated buffers: As previously stated many development options were contemplated or this property which consisted of different addition configurations as well as trying to access developable land at the rear of the parcel. We even contemplated utilizing the developable land at the rear of the parcel. This option was selected because everyone felt that this plan was the most appropriate design considering the surrounding wetland, site topography and business operations. We believe that the proposed addition has been situated in an appropriate location and will minimize any impacts to the surroundings. The proposed drive is necessary to access the addition and rear of the building for emergency response purposes. We also believe that the proposed wetland impacts are minimal and as part of the proposal our

client is proposing to place the western portion of the parcel into a permanent conservation easement to help offset any impacts resulting from this development. The conservation easement will preserve approximately 0.962 acres (almost half the lot size).

3. The impact on plants, fish and wildlife: Since the proposed addition and drive have been designed to minimize the wetland and buffer impact to the best extent possible the impact on plants, fish and wildlife will be negligible. The vegetation in the area is dominated by mature hardwoods and the wetlands are forested low lying areas which are seasonal in nature. The wetlands are not part of any stream system, channelized flow and do not have any significant functions and values. We do not believe that this project will have a measurable impact on the wetland complex especially when you consider the amount of land preservation proposed with the project (9.962 acres). The wetlands and buffer areas that will be preserved as part of this project are of a higher value than those being impacted and this was evaluated when determining the best way to develop the property. The proposed wetland impact area is a small outlying depression that is not integral to the adjacent wetland system and development in this area is unlikely to have any adverse effect on wildlife in the area. (C. Branen added they did get a negative feedback from National Heritage Bureau data check which essentially stated there were no threatened or endangered species within this project location)

4. The impact on the quantity and/or quality of surface and ground water: The proposed addition and access drive will be constructed in accordance with the Town design regulations. The proposed construction will not adversely affect the quantity or quality of surface and/or groundwater. The design of the site will not change the existing drainage patterns and all improved areas will sheet flow over vegetated areas prior to entering the jurisdictional wetlands. (he said prior to that the improved areas will be conveyed into two infiltration areas on each side of the site which has been incorporated into the design plan as result of meetings with the Conservation Comm and Planning Bd) The temporarily disturbed area during construction will be isolated by properly installed silt fence and will be seeded, and stabilized with straw or jute matting until vegetation can be established. Based on the above we do not believe that this project will have an impact on the quantity or quality of surface and ground water.

5. The potential to cause or increase flooding, erosion, or sedimentation: We do not believe that the proposed improvements will have an adverse affect on flooding in the area. The site has been graded to have positive flow and will not cause ponding within the improved areas. The design of the site meets all local and federal requirements and will not have a measurable impact on the surrounding areas.

6. The cumulative impact that would result if all parties owning or abutting a portion of the affected wetland, wetland complex and/or buffer area were also permitted alterations to the wetland and buffer proportional to the extent of their property rights: Every case would need to be taken on an individual basis and evaluated on the individual conditions and merits through the Conservation Commission and Zoning Board of Adjustment. The subject property is surrounded by forested areas, agricultural fields and other industrial/commercial developments. Assuming that all abutting properties are designed in accordance with Local and State requirements there should be no significant impact to property or the community as a whole. Portions of the abutting properties are already developed and should the remaining abutting properties also be permitted alterations, the cumulative impact should be negligible, and would not adversely affect the wetland functions and values of the existing wetland system. It is also important to point out that this project proposes to place the western portion of the parcel into a permanent conservation easement to help offset any impacts resulting from this development. The conservation easement will preserve approximately 0.962 acres, which is nearly half of the lot size. If every property came up with generous proposals that were

consistent with ours I would think that the developments could have a positive impact on the wetland complex.

7. The impact of the proposed project on the values and functions of the total wetland or wetland complex: The primary function of the subject wetland is for flood storage and stormwater mitigation. Due to the small amount and minor nature of the wetland impacts (and buffer impacts) the proposed project as designed will have no significant impact on the functions and values of the total wetland complex. The project proposes to place approximately 0.962 acres of land into a conservation area which would include the preservation of more valuable wetlands and associated values and functions on the western portion of the parcel.

C. Branon wanted to clarify Ms. Fournier's comments really pertain to wetland they are not disturbing. A number of wetlands that bisect the property. Wetland in light green is more substantial one as well as one at left. Proposal is small area that is isolated and not contiguous. It is low lying area that appears to have been altered over time, presumably by man-made features, as he was sure at one time it was all agricultural.

M. Thornton asked if they will cut swale to regularize the slope of the terrain.

C. Branon said slope will be laid back significantly over what currently exists. Can see on map the slope of existing contours vs. what will be more manageable in future.

Kevin Johnson asked if there were any additional questions

J. Plourde asked if Ms. Fournier was an abutter and was told she was not.

There being no further questions, Kevin moved on to discussion of the criteria. He first addressed Ms. Fournier's comments re impact on the entire wetland complex. There was a photo in the packet which was a better picture than hers which showed what he would consider the entire wetland complex and looking at it carefully, if they granted this special exception and allowed every developed property within the complex the same amount of impact vs. the same amount of tradeoff there would be a great amount of preservation within this wetland complex. Her comment that it didn't show enough of it, in looking at the entire complex, this was an insignificant portion they would be impacting. He would have no problem granting equivalent impact to other businesses in that are that about that wetland for the same tradeoff.

Board discussed the wetland criteria. The Chair said, rather than address each separately, members could address any or all points they would like to make regarding the application re 6.02.7.

J. Dargie made note of the time and asked if the Board wanted to continue.

K. Johnson said he felt they would be finished by 10:15 on this case. He polled the Board whether they wanted to continuing this case to the next meeting. All members agreed to finish it.

J. Dargie saw no impact on fish and wildlife. Not an issue.

K. Johnson said he would lead off. In checking wetland criteria he felt in the presentation the applicant addressed all seven, from the need for the project through the impact to the wetlands. They had advice of Conservation Comm. who agreed that for 2 – 7 best practices will be employed so he believed applicant met these seven criteria.

J. Dargie agreed.

M. Thornton said he could speak to six of the seven, but first one he couldn't. Do they need it? It sounded like business thinks they need it or they wouldn't be putting this kind of money into it.

J. Plourde agreed with Mike. Only gray area is need. They would not be there if not.

J. Dargie said she interpreted that need is the need to disturb the wetland.

K. Johnson said, yes, not that they need more warehouse.

J. Plourde said they couldn't put the building in the front, so it became a matter where they needed the expansion but where would you locate it and the only place would be in the buffer.

K. Johnson said correct.

M. Thornton said behind on the area with the least.

J. Dargie and K. Johnson said applicant addressed that.

C. Branon said he could explain other alternatives that were evaluated. Board agreed that was unnecessary.

L. Harten agreed with the others. Representative of applicant had properly addressed all seven items in 6.02.7 which were criteria for evaluation.

K. Johnson said they would then address Sec. 10.02.1, the five criteria for Special Exception. Since this was what they'd be voting on, they would need to address them individually.

A. The proposed use shall be similar to those permitted in the district:

J. Dargie – that has been demonstrated. It is in ICI District. They were not questioning the proposed use anyway.

K. Johnson said proposed use was an expansion of an existing conforming use.

M. Thornton – yes. He believed it was appropriate.

L. Harten asked C. Branon re Conservation Comm had proposals which C. Branon said he had a different approach to.

C. Branon said he did disagree with them in #1, impervious treatments. From safety and practical standpoints, as a licensed engineer he couldn't recommend them because of the load bearing requirements and forklifts that will be operating on the site.

M. Thornton asked about including large aggregate asphalt.

C. Branon said that was a poor product for use over commercial industrial sites and cited reasons he felt it was not appropriate on this site where heavy vehicles would be driving and turning. They share letters with Conservation Comm and Planning Bd and up to this point everybody has agreed with their applications where those are good products; this is not one of them. Re #2, that comment really, dealt with landscaping. After dialogue re porous products and understand they had not had an interest in going in that direction, they agreed to look at alternatives to address stormwater mitigation. One of the items was a rain garden which has a landscaping element. They didn't choose to use one. It was a very logical location for snow storage. Fully expects to see snow pile there which would mean redoing that landscaping each year. Looking at intent why someone would want to use a rain forest, the underlying them is stormwater treatment. He believed the current design met criteria and regulations.

L. Harten said they had communicated their change.

C. Branon said they had a meeting with Mr. Elkind and with Ms. Constantino (who was present at the ZBA meeting). He thought they had a meeting of the minds. They agreed when they left Conservation Comm to look at alternatives. Believed their design met requirements. Believed they address the Conservation Comm concerns with their design requirements.

L. Harten said C. Branon mentioned a proposed rain garden was where the snow storage would be. Do they use salt?

Applicant said no.

L. Harten said re criteria, is the proposed use similar to those in the district, he didn't know. He assumed it was.

K. Johnson – yes. This is an expansion of an existing conforming use.

J. Plourde agreed with what everybody mentioned.

B. The specific site is an appropriate location for the proposed use:

J. Dargie – specific site is appropriate. They have looked at alternatives and this was the best one.

M. Thornton – yes. Specific site is appropriate location.

L. Harten Believed it was. They have considered different configurations to the addition to the building. This seemed the most appropriate.

K. Johnson - accepted testimony that applicant gave that they had made considerations and in reviewing the site plan and the area, he could see that the site proposed is appropriate for the proposed use.

J. Plourde – agreed with others.

C. The use developed will not adversely affect the adjacent area:

J. Dargie – use as outlined will not adversely affect the adjacent area. It fits in the area.

M. Thornton – it will not adversely affect adjacent area now that adjacent area has been pretty much isolated from the disturbed area. K. Johnson commented that adjacent area is not referring to wetlands impact but to the adjacent property. Is it going to block site lines for business next door, etc. M. Thornton said he was referring to the runoff to adjacent area from the property both from the disturbed area to the undisturbed and off property.

L. Harten believed they had enough protective area proposed that it would not adversely affect adjacent area.

K. Johnson – since this is the general criteria, rather than the wetland, the discussion is the neighborhood, the street, etc. Didn't see where addition of that building would affect other property. It won't block site lines or air traffic or block sunlight to adjacent area, etc.

J. Plourde agreed with what others said.

D. There will be no nuisance or serious hazard to vehicles or pedestrians:

J. Dargie – there will be no nuisance or hazard. Not an issue with this.

M. Thornton – no because actual access around back where emergency vehicles would be routed.

L. Harten didn't believe any nuisance or serious hazard to vehicles or pedestrians. It is not a heavily used road as far as he knew and he didn't believe addition would create any more vehicle traffic. There will be some because of expansion but didn't believe any serious hazard.

K. Johnson – they are putting this on the back side. Very little vehicle or pedestrian traffic in there, so will not be creating a nuisance or hazard.

J. Plourde agreed with others' comments.

E. Adequate appropriate facilities will be provided for the proper operation of the proposed use:

J. Dargie – adequate facilities will be provided for proper operation of the proposed use.

M. Thornton – unsure what they're asking on this one. Looks like facilities on property will be maintained as much as possible undisturbed, and where disturbed, better than existing.

L. Harten – It was addressed that adequate appropriate facilities will be provided for proper operation of the proposed use. Didn't have a problem with that.

K. Johnson – Since there are so many types of special exception, this is a catchall where they say this or that be considered. With presentation applicant gave they can believe appropriate facilities will be provided for this proposed use.

J. Plourde agreed with everything everybody mentioned. All five criteria for special exception were met.

Vote on Criteria:

1. Is the exception allowed by the ordinance?

M. Thornton – yes L. Harten – yes J. Dargie – yes J. Plourde – yes K. Johnson – yes

2. Are the specific conditions present under which a special exception may be granted?

J. Dargie – yes; J. Plourde – yes; L. Harten – yes; M. Thornton – yes; K. Johnson - yes

Kevin Johnson asked if there was a motion to approve Case # 2016-4B

J. Dargie made the motion to approve Case # 2016-4B.

M. Thornton seconded the motion to approve.

Final Vote:

M. Thornton – yes

L... Harten – yes

J. Plourde – yes

J. Dargie – yes

Kevin Johnson – yes

Case #2016-04B was approved by unanimous vote.

Kevin Johnson reminded the applicant of the 30 day appeal period.