

TOWN OF LOUDON
ZONING BOARD OF ADJUSTMENT
MINUTES OF
MAY 24, 2007

REGULAR HEARING

Vice Chairman Ned Lizotte called the Loudon Zoning Board of Adjustment meeting on May 24, 2007 to order at 7:30 PM at the Loudon Community Building.

ROLL CALL:

The following members were present: Ned Lizotte, George Saunderson, Howard Pearl, Roy Merrill, and alternates Jon Huntington and Brenda Pearl. Ned Lizotte will be Acting Chairman in the absence of Dave Powelson.

Due to the absence of Dave Powelson and two members having to recuse themselves on two cases, Mr. Lizotte appointed alternate Brenda Pearl to sit on the Board for Case #07-04 and alternate Jon Huntington to sit on the Board for Cases #07-03 and #07-05.

I. ACCEPTANCE OF THE APRIL 26, 2007 MINUTES:

Roy Merrill said that he would like to have the sizes of the tanks that were discussed on page 9 added to the minutes. **Howard Pearl made a motion to accept the minutes as corrected; seconded by George Saunderson. All were in favor.**

ACCEPTANCE OF APRIL 28, 2007 SITE WALK ON KENNY ROAD MINUTES:

George Saunderson made a motion to accept the minutes as presented; seconded by Roy Merrill. All were in favor.

II. PUBLIC HEARINGS:

Acting Chairman Lizotte explained that he would change the order of the agenda and call Case #07-04 first.

Case # 07-04, Malcolm & Julie Thompson – Special Exception for Reduced Setback, Map 44, Lot 16. There were no abutters present. Mr. Lizotte reported that a site walk of this property was done and he gave an overview of the application. He asked if Mr. Thompson had anything further to add since last month's hearing and site walk. Mr. Thompson said he had nothing further. Mr. Lizotte asked if there were any questions from the Board. Hearing none, he closed the hearing; to be brought up under Unfinished Business.

Acting Chairman Lizotte stated that he would be doing something a little different for this meeting and would open the meeting to Unfinished Business for Case #07-04 at this time.

III. UNFINISHED BUSINESS:

Case #07-04, Malcolm & Julie Thompson – Special Exception for Reduced Setback, Map 44, Lot 16. **Roy Merrill made a motion to approve the application as submitted; seconded by George Saunderson.** Mr. Merrill said he feels that the application is pretty straight forward and the neighbor is in agreement. Howard Pearl said this clearly fit in the neighborhood and would appear to be well placed. Mr. Lizotte repeated the motion. **A roll vote was taken: Brenda Pearl – Yes; Roy Merrill – Yes; Howard Pearl – Yes; Ned Lizotte – Yes; George Saunderson – Yes. Unanimous - PASSED**

PUBLIC HEARINGS:

Case # 07-03, Septic Disposal Solutions – Special Exception for Processing, Map 40, Lot 7.
Case # 07-05, Septic Disposal Solutions – Special Exception for Bulk Storage, Map 40, Lot 7.
Howard Pearl and Brenda Pearl recused themselves from this case. Acting Chairman Lizotte asked the applicants if they were alright with the Board as it stood with four voting members. Brandon Giuda, speaking on behalf of the applicants, Paul & Darlene Johnson and Bill Gosse, said they were. Also present were landowner David Moody, surveyor Jeff Green, SDS employee Michael Enright, and DES representative Alexis Rastorguyeff.

Mr. Giuda stated that SDS has submitted their application to DES and it has been accepted as complete. He said there is now a comment period on the application. Mr. Giuda explained that the Planning Board is waiting for action on these two special exception applications as part of the applicant's case before them. He also noted that the landowner is taking over the full site development that is before the Planning Board. Mr. Giuda said that the applicants have presented all of their information to this Board, the state application has been received, and he would be happy to answer any further questions that the Board may have. Roy Merrill noted that the map that was included in the DES application was incorrect. He said that Map 40, Lot 15 for the Town of Loudon is listed as C/I zoning but it was not one of the ones that was changed on the ballot in March. He said it was discussed at the last meeting. Darlene Johnson said the DES application had been submitted to the state prior to the last ZBA meeting and she would clarify with DES. Mr. Giuda said he did not feel that would affect the application but the correction would be made. George Saunderson said it would appear that SDS is applying for four million gallons on the DES application and asked if that was correct. Bill Gosse said that was correct. Mr. Saunderson said he thought three million gallons was discussed at last month's meeting. Darlene Johnson said she wasn't sure that actual numbers were discussed at the last meeting, perhaps at the meeting before. Mr. Gosse said that initial discussions were three million but if the math is done at 30,000 gallons a day, it would be more than three million. He explained that after discussions with DES it was recommended that they submit for four million. Mr. Saunderson asked if DES would still allow for a 25% overage when using four million. Alex Rastorguyeff said that the rules allow the permittee to apply for modification to a permit to increase their capacity by up to 25% without having to publish a notice of comment period. He said this does not mean there will be an automatic increase, it only means they do not have to hold a public hearing. He said the technical review process is the same and the permittee has to demonstrate that the additional capacity can be managed within state guidelines. Ned Lizotte asked if that brings the amount to five million gallons. Mr. Rastorguyeff said that 25% over four million would be five million. George Saunderson asked if DES has ever denied such applications. Mr. Rastorguyeff said in his time with the state he has only had several applications filed for modification, mostly land application sites that were adding acreage. He said he has never had a facility application filed for an increase under that statute. Jon Huntington asked how long it would be before getting to that capacity. Bill Gosse said it would probably be three to five years, noting that it is hard to know what the market might be. Mr. Rastorguyeff said the way a facility is permitted would be a daily maximum and a yearly maximum. He said the facility would not necessarily meet the 30,000 gallons daily or the four million gallons yearly. He said it depends on various factors such as customer base. Brandon Giuda said he was not sure why the Board was concerned with gallonage, noting that last month the question was if there was going to be a smell and what will traffic be. He said the traffic would be minimal. Mr. Giuda said the gallons seem arbitrary and do not mean anything unless they can't maintain it without nuisance. George Saunderson stated that when the Board starting talking about this last fall it was two million gallons, then went to three million and now is at four million and could be up to five million. He said the town of Loudon produces one half million gallons so they are not talking about three or four times the amount of sewage but ten times the amount. He said this is a concern. Brandon Giuda said there is a permit in to the

state for four million gallons and he asked why this would be a concern if this is an 'in and out' facility. Alex Rastorguyeff said that Mr. Saunderson should be careful with the figure of one half million. He stated that one half million gallons of Loudon septage may have been discharged into the Loudon lagoon but last year a little over one million gallons was generated in the town. Mr. Saunderson said he was speaking of the Loudon facility only. Roy Merrill asked if the figure that Mr. Rastorguyeff gave included commercial. Mr. Rastorguyeff said it was strictly residential that was in that calculation.

Mr. Giuda said he feels that the concern should be if the applicant maintains zero odors and if the traffic is a problem. He said at 30,000 gallons a day the traffic would be eight or so vehicles and a 25% increase would be ten or so vehicles, so the traffic really is not an issue. He said the odor is a controlling factor. Mr. Giuda said that SDS is a business, similar to Eastern Propane. He asked if Eastern is told they can only supply customers in Loudon. He said there can be no objection to the number of gallons unless there is a reason for the objection. He said if it was two million last fall and five million gallons now it really does not matter as long as there is no adverse effect. Mr. Saunderson said one of the Board's concerns would be if there would be adverse effects since this is not flowers. He said one adverse affect could be smell and if you have ten times the volume of something that you are already dealing with, that is an issue. Mr. Giuda said the odor control issue was addressed last month. He said there have been no registered complaints about the Pittsfield facility other than the one letter received by the Board last month from an abutter of the Pittsfield facility. Mr. Giuda noted that this proposed facility is more modern than the Pittsfield facility and trucks will discharge inside the building which they don't do in Pittsfield. He said the facility would ease the burden on the town lagoon which has a significant odor compared to this. He said there are controls and restrictions in place by DES and the town. Mr. Giuda said there are procedures in place to deal with odor should there be a problem. George Saunderson asked if the applicants would be willing to go back to the three million. Darlene Johnson pointed out that they are talking apples and oranges when looking at what happens in the lagoon and what happens in this process. She said they are not asking the town to support half a million, two million, or four million. Mrs. Johnson said it is not going to affect the town whether they do two million, three million or four million in the sense that they are not asking anything of the town.

Brandon Giuda said that he feels the control of the number is arbitrary and unsustainable by the Board unless there was concrete data that says that three million gallons will cause problems but two million will not. He said he feels that the Board, or some people, may be considering going beyond the Board's authority. Darlene Johnson said that DES will qualify the plant and whether it can handle the gallonage proposed. She said that DES will come back with another number that is qualified by the facility if they feel that the proposed plan will not efficiently handle the proposed gallonage. George Saunderson said that if they were going to be talking of four million, he feels it should have been that figure two months ago. Brandon Giuda said SDS may have changed their business plan but there is now a solid application submitted to the state. Mr. Giuda said the application to the state is for four million gallons and that is not going to change. He said no matter what the number of gallons, there is no real difference if the process is managed and works. Ned Lizotte said in reality this could be five million. Alex Rastorguyeff said there could potentially be twenty million, as an example, explaining that an applicant can ask for any amount for their facility as long as they can prove that the facility will do what they have represented that it will do. He said the 25% trigger is simply for the state to advertise a comment period and to solicit responses from the public. He said it also requires more paperwork to be filed. Mr. Rastorguyeff said it does not change the review process as it is still analyzed on technical merits for what it is that they are asking for, whether it is a one gallon increase or a twenty million gallon increase. He said that the technical merits are what will allow the permitting process to say whether it will be allowed or not.

Steve Jackson said he thinks the Board is doing right with the gallonage. He said 30,000 per day times five days per week times fifty-two weeks would be 7.8 million gallons.

Ned Lizotte said this facility is proposed for six days a week. Mr. Jackson said that it is proposed that there will be eight to ten trucks per day and this is an 'in and out' facility with 97% water being hauled offsite and the sludge being treated and later hauled offsite. He asked if that trucking is part of the eight to ten trucks a day. Mr. Giuda said it is. He said he would like to get back to the gallons. Mr. Giuda said what Mr. Rastorguyeff is saying is how the Board should consider the project. He said neither he nor the Board have the expertise to suggest the reduction in gallonage, noting that this has to be based on something, not just a number that they do not like. Mr. Giuda said who cares as long as the process works and there is no odor. Steve Jackson said at four million per year it would be 15,000 gallons per day. Darlene Johnson said the facility is not year round at the 30,000 gallon a day figure. Brandon Giuda noted that it should not matter as long as there is no adverse affect. He pointed out that as an example, the town does not regulate how many times Rymes can fill and empty their tanks of propane as long as there is no adverse effect. George Saunderson asked if this application is dealing with propane. Mr. Giuda said they are dealing with something less hazardous and less explosive than propane and has no adverse effect on the ground.

Mr. Saunderson said he would like to address the odor of what they are dealing with, noting that this is something that everybody has in their life, and he feels that gallonage is an issue. Mr. Giuda said it is an odor issue, not gallonage. Ned Lizotte said that odor is brought on by the volume of gallonage. Mr. Giuda said that odor is brought on by the process not being applied correctly, not gallonage. He said that the Board cannot link the odor to gallonage because they are not related. Mr. Lizotte said he would disagree. He said the odor to gallonage is right on target and volume does matter. Mr. Giuda asked Mr. Rastorguyeff if volume matters. Mr. Rastorguyeff said he is not here as an advocate of the applicant but to answer any questions on the state permitting process. He said that, from an engineering standpoint, what Mr. Giuda was saying is correct. He said that one hundred gallons could smell like twenty million gallons, explaining that the volume of air entered into the process affects the outcome. Mr. Rastorguyeff said that as long as the process can handle the amount of air there is no odor. He said it is all about the process. Paul Johnson noted that the tanks will have filters.

Jon Huntington said this is an undesirable subject but it has to be dealt with. He noted that as the town grows, the pile grows and somehow they have got to take care of it. Mr. Huntington said the applicants have a system here to handle the septage and he feels that the Board should find a way to make this work. He pointed out that nobody has come to the public hearings with derogatory remarks, there has been one derogatory remark from a Pittsfield abutter about that facility, and there have been very few, if any, derogatory remarks about the Loudon lagoon. He said he is not sure of the answer, whether it should be four or five million gallons, but there is a problem with getting rid of the septage and he feels that the Board has to make it workable to the benefit of the town. Mr. Huntington said he is not sure how to describe odor. He said the location is not in anybody's backyard, is a good location with no homes near it, and he feels it should be made workable.

Brandon Giuda said that the gallons are arbitrary. He said the odor can be regulated and there can be methods to correct an odor problem should it arise. Mr. Giuda said that is the only way to regulate, not by coming up with a gallon figure. He said that odor is what drives this.

Mr. Lizotte asked if there were any further questions. Hearing none, he closed the public hearing; to be brought up under Unfinished Business.

IV. UNFINISHED BUSINESS:

Case # 07-03, Septic Disposal Solutions – Special Exception for Processing, Map 40, Lot 7. Acting Chairman Lizotte asked for a motion to enter discussion. Roy Merrill made a motion to enter into discussion; seconded by George Saunderson. Mr. Lizotte said he has talked with

town counsel and read the following: "In being sensitive to the applicants' wishes to move forward I have asked the town attorney to assist us in the Board's concerns. Therefore, counsel has drafted a possible decision that takes into consideration the documents and the points brought forward by members of the Board." He gave each of the sitting Board members copies of papers from the town attorney, asking them to take a few minutes to review them before discussion began.

Jon Huntington asked if the majority of the questions in the papers would be answered if the Planning Board asked the applicants for a major site development. Mr. Lizotte said he was not fully sure. He said this was something that he submitted to town counsel. Mr. Huntington said that a major site development would have to lay it out.

Acting Chairman Lizotte read the proposed decision that he acquired through town counsel as follows: "PROPOSED DECISION FOR CONSIDERATION BY ZONING BOARD OF ADJUSTMENT Septic Disposal Solutions (SDS) seeks a special exception under Section 206.3-F to construct a septage processing facility on Map 40, Lot 7, located in the Commercial/Industrial District. The special exception is DENIED for the following reasons:

The zoning ordinance requires a lot size of five (5) acres for industrial uses, with frontage of 300'. SDS has failed to identify such a lot for its use and, therefore, fails to conform to the zoning ordinance. In addition, the area for the use fails to provide 300' of frontage, as required by the zoning ordinance. Multiple uses already exist on the property, including a substantial saw mill operation, storage of portable toilets and dumpsters, and a concrete form business. In fact, the area in which the Board understands the SDS facility is to be located is an active earth excavation area, with very steep and unstable slopes. The SDS facility would be in the bottom of this excavation. Indeed, the applicant advised the Board that fencing was not feasible because the area is an active earth excavation.

The purpose of the Town of Loudon Zoning Ordinance is to provide for well-planned and orderly development of the community, which will enhance the desirability of additional development on a particular property and the district in general. The project before the Board is in no way well-planned and orderly. It is merely an additional use thrown on a property already overburdened with a hodge-podge of uses. Indeed, the Board learned that at the hearing held on April 26, 2007, that a large storage tanker of septage has been moved onto the property without any permits. Granting a special exception in this case will only make a bad situation worse.

Under these circumstances, it is impossible for the Board to determine that the special exception requested is not injurious or detrimental to the neighborhood. There is no ability on the part of the Board to consider appropriate buffering, screening, landscaping, lighting, topographical adjustments or other elements provided for under Section 701.3 and .4 of the ordinance. Thus, providing for future development of the property in a safe and attractive manner is precluded.

The access to the site is entirely inadequate. First, no evidence was submitted relative to the location of or improvements associated with an appropriate on-site road. This is essential in order to protect the Town's Fire and Rescue Squad personnel, who are volunteers, the members of the Police Department, and associated Town equipment, which has been purchased at substantial expense.

Furthermore, Dump Road, the road giving access to the property is narrow, deteriorated and inadequate. Given that it is also the access to the Town's solid waste facility, safety conflicts will arise. The applicant also failed to consider all of the other heavy truck traffic generated on this property. SDS has failed to address these issues adequately.

Conflicting evidence was submitted regarding odor problems being generated at the facility. SDS has submitted a letter from the Town of Pittsfield, stating it has received no odor complaints. Board Members took a view of that facility and spoke with neighbors. One neighbor took the time to write a letter to the Board, stating that offensive odors did emanate from the site. The SDS facility involves treatment of human waste, and there will be odors.

Odors are the hardest thing to control and regulate. SDS has failed to introduce sufficient evidence that odors will not be injurious or detrimental to the neighborhood.

SDS has represented to the Board that it would be maintaining storage tanks for 60,000 gallons of septage and would process 3,000,000 gallons per year. It has come to the attention of the Board that SDS has submitted an application to the New Hampshire Department of Environmental Services for a permit to treat up to 5,000,000 per year and provide for onsite storage of 100,000 gallons. Further, the Board is disturbed by the fact that a storage tank of septage was moved onto this site, without approval. The Board previously advised SDS that a special exception was required to install storage tanks, in accordance with Section 206.6 of the zoning ordinance. Yet SDS has failed to so apply. The Board cannot grant a special exception without knowing the true nature of the proposal.

The Zoning Board will not delegate its authority to the Planning Board or to NHDES. It is incumbent on SDS to come to the Board and satisfy the Board's concerns prior to a special exception being granted. This the applicant has failed to do; and, therefore, the application is denied."

He said this was what was recommended by town counsel. Mr. Lizotte asked if there was any discussion. Brandon Giuda said that he felt the paperwork should have been put out in the public hearing so the applicant could comment. Mr. Lizotte said no. Mr. Giuda asked if Mr. Lizotte was saying the paperwork was attorney/client privileged. Mr. Lizotte said yes. Mr. Giuda asked what makes it such. Mr. Lizotte said that he is not educated enough on the technical terminology but right now the Board is in unfinished business discussion between the Board members and not the audience. Mr. Giuda asked if the Acting Chairman was refusing to allow the applicant to discuss evidence that is before the Board. Mr. Lizotte said the procedures of this meeting is to have public discussions and then to have unfinished business between the Board members to discuss between themselves the issues at hand. He said he will not entertain any more questions from the audience at this time. Mr. Giuda said that under proper law if you are considering evidence it has to be presented to the applicant so they can comment on it in open hearing. He said that there is evidence presented to the Board that the Board has never questioned the applicant on. Mr. Giuda said if the chairman wants to re-open the case and let the applicant address it, he would speak to it. Mr. Lizotte said he was not going to re-open this and it is under unfinished business. He asked if there were any questions from the Board.

Roy Merrill said that he has maintained from the beginning that it is clear from Section 206.6 that the Board is not granted the power to give a special exception for anything that gives off odors to abutting property or that is detrimental to a neighborhood. He said all minutes, included testimony of Alex Rastorguyeff, indicate that there will be some amount of odor but nobody knows what or how much. Mr. Merrill said the Board keeps hearing how this would be on a thirty acre site. He pointed out that it is within less than 200' from abutting property and he cannot see how anyone can prove how there will not be some odor. He said that the town does not give the ZBA the power to allow odor. Ned Lizotte said he thinks that the town attorney addressed a number of issues that have come up at an earlier meeting between Planning and Zoning and town counsel. He said he feels that all of these are accurate and to the point and are worthy of consideration. Mr. Merrill said he understands Mr. Giuda's point but he does not feel there is anything in the letter that was not previously discussed. He said he feels that the truck traffic has been underestimated. Mr. Merrill said after receiving an email about the septage and going over the gallonage, he asked Steve. He said he questioned Steve even as late as this afternoon and he was told that there are three days a week that septage can be dumped, noting that two of those three days in the last two weeks there has been no dumping. Mr. Merrill said that if you go over the history, most of the time, you would find that that two to three trucks would accumulate the 5500 gallons a day that was received. He said there are times when 4000 gallons may come in on one truck but he doubts that they are looking at six trucks for 30,000 gallons. Mr. Merrill said those six trucks would mean what is leaving the plant

as well. He said they would have to double the figure. He said he was surprised last month about the configuration of the tanks where they were talking about 100,000 gallons of storage. Mr. Merrill said that Pittsfield has 25-30,000 gallons of outside storage. He said that 100,000 gallons seems like it is being geared up for more than 30,000 gallons a day.

Ned Lizotte said he is concerned with four million gallons and then it being thrown out that it could be twenty million. He said that he is uncomfortable with the flexibility that seems to be floating around. He said when he thinks of the traffic and some of the things that have gone on on the lot, particularly the storage tanker that has been there without notification to the ZBA, the potential for problems is very great. Looking over the notes from the attorney, he said he feels there are a number of things that need serious consideration and need to be better defined before something like this were to happen.

Roy Merrill said that the truck traffic does not take in any other businesses on the property. George Saunderson said he is largely concerned with the way that the project has grown and that there has been something new every time they meet. He said the information could have easily been disclosed at the beginning. Mr. Saunderson said that he feels that gallonage is an issue and there is some sort of correlation between gallonage and odor. Ned Lizotte said that more gallonage also increases the traffic. Jon Huntington said he would agree with George Saunderson but feels this is an important facility that is needed. He agreed that the application was changed since the Board first saw it and he somewhat goes along with the letter. Mr. Lizotte said there is a lot more there than meets the eye. Mr. Huntington said he hopes that the Planning Board major site development will make the property a lot cleaner. Ned Lizotte said it has to start somewhere and it is going to start here.

Roy Merrill made a motion to deny application #07-03 on the recommendation of the lawyer and also on the grounds of Section 206.6, odors, which the applicants have not been able to define; seconded by George Saunderson. Jon Huntington asked about tabling the application versus denying it. Acting Chairman Lizotte said denying the application allows the applicants to go forward to deal with the issues. He said he feels it would be in the best interest of the applicants. George Saunderson said that the applicants could re-apply. Mr. Lizotte said denying the application lets the applicants do what they need to do. He said they can move forward in whatever direction they want to go. Mr. Lizotte said that tabling the application suspends it. **A roll vote was taken: Roy Merrill – Yes; Ned Lizotte – Yes; George Saunderson – Yes; Jon Huntington – Yes. Unanimous – DENIED**

Case # 07-05, Septic Disposal Solutions – Special Exception for Bulk Storage, Map 40, Lot 7. Roy Merrill made a motion to move to discussion; seconded by George Saunderson. Mr. Merrill said it is clear that if they do not do the processing then the tanks would be denied. He said that the applicants have the right to add the tank that is already there and get approval on that. George Saunderson said where the first special exception was denied it would make sense to deny this one as well. **Roy Merrill made a motion to deny application #07-05; seconded by Jon Huntington. A roll vote was taken: Roy Merrill – Yes; Ned Lizotte – Yes; George Saunderson – Yes; Jon Huntington – Yes. Unanimous – DENIED**

Howard Pearl and Brenda Pearl rejoined the Board. Ned Lizotte asked that the tape of this meeting be saved.

V. DISCUSSION:

There was discussion of the Rules of Procedure to be established by the Board. Roy Merrill had a couple of questions and was satisfied with the explanations given by the secretary. After brief discussion, it was decided to bring this discussion back to the next meeting when all members were present. **A motion to discuss the Rules of Procedure at next month's meeting was made by Roy Merrill; seconded by Howard Pearl. All were in favor.**

Roy Merrill asked if Michael Harris had been notified of the process of appealing the Board's decision. Donna reported that he was notified of the error about abutter notification that was discussed at the March meeting. An application, abutter list and cover letter were sent to Mr. Harris at that time. On May 10, 2007, Mr. Harris called the office twice to speak to Dave Powelson. Mr. Powelson was notified and returned the call to Mr. Harris. Mr. Harris denied receiving the paperwork that the secretary had sent. Another application, abutter list, fee schedule, and cover letter were sent to Mr. Harris by certified mail on May 11, 2007. An email from Mr. Harris was received by the Selectmen and the Planning/Zoning office on May 15, 2007. Copies of that email were provided to all Planning and Zoning members per Mr. Harris's request. Mr. Harris signed for the certified mailing on May 17, 2007. There has been no word from Mr. Harris since that time. Donna reported that the Board of Selectmen would not be taking any action on the email received from Mr. Harris. The Board was in agreement that Mr. Harris has been given various opportunities to follow the process and that the Board does not need to take any further action on the matter.

Donna informed the Board of correspondence from ESMI about their routine testing. The letter also notified the town that they are working on permit modification. Roy Merrill said that ESMI has already been before the Board for a special exception on the lot that is mentioned in the letter.

Donna informed the Board of a new manual that is available on [How to Regulate Junk and Junkyards](#).

Jon Huntington asked Board members why they do not think that the sewage facility is good for the town. He compared it to the open pit currently used, saying that he feels it will probably be closed within five years since they are being closed all over the state. Roy Merrill and Ned Lizotte said that is not what they were led to believe by DES. Mr. Huntington stated that nowhere in discussion did the Board say anything good about what they have improved in Pittsfield, which was a pilot project for SDS and they have improved it one hundred fold. Howard Pearl said he feels it is going in the right direction by the Planning Board getting some issues taken care of by making them do a major site development so the property will be cleaned up. Mr. Huntington asked why the members are against the project. Mr. Pearl said that once the site development is taken care of it is going to eliminate some of the concerns. Mr. Huntington asked again why the members are against it so much. Ned Lizotte said he thinks that is misleading. He said there needs to be some fine tuning of getting the details right. Mr. Lizotte said that this particular property just allows for some real problems. Mr. Huntington said he did not disagree but feels that it will be cleaned up through the major site plan. Mr. Pearl said this is the opportunity to get that property cleaned up if they get everything going in the right direction and this project can be the foundation for that.

VII. ADJOURNMENT:

Howard Pearl made a motion to adjourn the meeting at 8:50pm, seconded by George Saunderson. All were in favor.

Respectfully submitted,

Donna White, Secretary