

**City of Newburyport
Planning Board
December 14, 2016**

The meeting was called to order at 7:04 PM.

1. Roll Call

In attendance: James Brugger, Joe Lamb, Jim McCarthy, Bonnie Sontag, and Mary Jo Verde.
Don Walters participated by phone. Leah McGavern arrived at 7:23 PM. Don Walters arrived at arrived at 8:00 PM.

Absent: Andrew Shapiro

Andrew Port, Director of Planning and Development was also present.

2. General Business

a) Request for permit extension – 223 High Street (2010-SP-05)

Richard Simone, Capitol Advisors, Haverhill, represented the Wine Property. Director Port demonstrated on Exhibit A of a plan for the older OSRD subdivision the lots, open space, and area of the taking on the far right. The land transfer had not occurred. The City had constructed a ball field in good faith. The license was revoked and the City was concerned about maintaining the field and using it legally in the spring. City Council had agreed on an order of taking to get a clear title on the property. The developer was requesting a permit extension. He recommended Chairman McCarthy sign the Certificate of Vote on behalf of the board, pending receipt of the waiver. The waiver would allow the City Council to proceed with an Order of Taking for the required field space (consistent with the original Planning Board conditions of approval) without the need for a lengthy easement recorded at the Registry of Deeds. That process would be faster for all involved and would allow the Planning Board to grant the requested permit extension without further delay. The Planning Director would retain the signed permit extension until such time as the remaining waiver pages have been returned, fully executed by all parties.

Chairman McCarthy said the OSRD permit had been tangled up in a number of other legal matters, including the outstanding signature from the mortgagees. He was uncomfortable signing the Certificate of Vote without the mortgagee's signature, given the history of the property.

James Brugger made a motion to continue discussion of this matter to Jan 4th. Joe Lamb seconded and all members voted in favor.

Motion Approved.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department head comments, peer review report(s), planning department comments and other related documents, all as filed with the planning department as part of this application and all of which are available in the planning department, were considered.

3. Old Business

- a) *Evergreen Commons LLC c/o Lisa Mead, Esq.*
18 Boyd Drive and 15 Brown Avenue
OSRD Special Permit (2016-SP-03)
Continued from 11/2/16

Chairman McCarthy read the notice.

Mary Jo Verde made a motion to enter all application materials, documents, plans, communications, meeting minutes, and recordings contained in the original Evergreen Commons files and/or distributed to the board during that time into the record for this public hearing for the proposed project so that this board would have the benefit of all relevant information from these records while deliberating on the development project in this re-advertised public hearing process. James Brugger seconded the motion and all members voted in favor.

Motion Approved.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department head comments, peer review report(s), planning department comments and other related documents, all as filed with the planning department as part of this application and all of which are available in the planning department, were considered.

Chairman McCarthy said he proposed a four-step process at the Water and Sewer Commission meeting following input from experts and the community. The applicant needed to show: 1) that the site was not polluted right now; 2) a good design for water quality; 3) ongoing testing plans; and 4) provide assurance that the City would not be liable if water quality was impacted.

Lisa Mead, attorney, BBMT, 30 Green Street, described a revised plan replacing two original accesses off Boyd Drive with a full access from 5 Brown Avenue. Both the traditional yield and OSRD plans had 43 lots. Water quality and soil testing would occur before construction began. A detailed testing plan would be submitted. The board and the Planning Department would review a homeowner's association (HOA) document for approval. Maintenance of open space, lawn and garden areas, driveways, and sidewalks, was paid for by the HOA. Substances used would be on an approved list and their use managed per the Water and Sewer Department's request at the cost of the HOA. The applicant would post a bond to ensure annual water testing during the three-year construction period. Infrastructure work included sewer lines and a pump station replacement. The water and sewer system would be looped, roads repaved, and paved sidewalks added. New roads were 24 feet wide. The applicant would file a Definitive Plan with a request for a Special Permit under the Water Resources Protection District (WRPD) in January.

Steve Sawyer, engineer, DCI, Somerville, said there were no connections through the Boyd Drive cul de sac or through Laurel Road. The yield plan peer review had commented on ISLF displacement. That was addressed by altering the ISLF from 222,000 to 260,000 square feet. Stormwater systems were outside the 100-foot buffer. The OSRD plan created low points

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throughout the drainage area that divided the subdivision into areas. Mr. Sawyer showed on the plan how Boyd Drive stormwater was captured and treated by adding positive pitch and constructing a stormwater wetland with state of the art BMPs. The remainder of the subdivision stormwater would be collected through a deep-set catch basin system with a hood that used a mechanical separator to clean the water. Water was piped into bio-retention areas at the subdivision low points. Some areas had additional wet basins for cleaning 80% of stormwater that drained into constructed wetland. Discussions on enhancing the ISLF, because it was a little shallow, would be coordinated with the Conservation Commission. The roadway lifted above the existing grade to create positive flow well away from the groundwater area and above the ISLF. Basements would be one foot above the ISLF. Stormwater treatment systems for wetlands, bio-retention areas, and wet basins included total removal of suspended solids, nitrogen, phosphorus, metals, and pathogens. Inverts ran through the system. A property line split led cars out between two buildings to address headlights. The Brown Avenue road was higher so that headlights pointed downward rather than into homes. The perimeter path would be paved.

Chairman McCarthy said all four items were addressed. City engineer Jon Eric White had identified problems he wanted addressed and Attorney Mead had reviewed them. Mr. Sawyer said he spoke with Mr. White about attenuating the peak rate. Mr. White was concerned about additional run off overflowing the whole system in the ISLF, where everything drained. The ISLF was where it seemed the water should go, but the water needed to be clean. Attenuation details could be dealt with at the receiving area or at each point. Members said those details would be addressed at the Definitive Plan stage. What about an intense storm event for which there were no norms? Mr. Sawyer said he spoke to Mr. White about using a Cornell number that was higher than the typical 7 inch number. What about the 26-foot road width required for on street parking? Director Port explained a recent regulation change in the state code for new roads with parking on one side. He would not be able to sign off unless the 26-foot provision was met. Attorney Mead said the deputy fire chief specified 24 feet and the fire chief came back requiring a full secondary access. She asked if the requirement applied to a private road? She was required to design to the board's regulations. Chairman McCarthy said he would work on the 24 versus 26-foot road issue with all City departments.

Member comments: Describe the three-year water testing process and when it would begin? Attorney Mead said initial baseline testing would begin before any construction started and would be performed annually during construction but not annually afterwards. An insurance liability policy would be purchased for water quality protection. A member suggested the possibility of looping the water directly from the well. Attorney Mead said the well was a supplemental water source; the loop was the water main. Mr. Sawyer said he could run a water line from the well. Members asked about the process if the first year-end testing showed water quality degradation? Attorney Mead said that was why insurance would be purchased. Members asked about oversight to limit the use of certain substances? Attorney Mead said oversight rules would be drafted before the issuance of the first occupancy permit. There was no draft yet. Director Port referenced comments he made at a prior meeting. In his experience, homeowners did not know to adhere to HOA documents, although they were often used. Most particularly, future owners were unapprised of the rules. He found homeowner's documents unreliable and impractical, in a boots on the ground way, for this situation. Drainage areas were commonly

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neglected. Attorney Mead said HOA documents would be cross-referenced on deed documents. Homeowners who paid HOA dues would know their responsibilities.

Members said there were three ways to provide some form of guarantee should there be damage: insurance, a corporate guarantee, or an irrevocable letter of credit. Insurance was no guarantee if a disputed claim was not paid. The board's concerns about stuff on the street made it advantageous for the HOA to manage the streets. The proposal did not do much for pesticides on the lawn. The suggested loop, right from the well, would make homeowners mindful about pesticide use; it would effect their water only. Re-explain the removal of solids? Mr. Sawyer said it was a percentage of the percentage, with the end result at 90%. Where would the removed percentage go? How were systems maintained? Mr. Sawyer said there would be an O&M manual for all systems. Plants and soil media absorb everything in the bio-retention areas. Old mulch and dead plants were removed, new mulch laid, and new plants added. The wetlands would be cleaned out every couple of years. Systems were typically inspected monthly. Attorney Mead said the project would control more than what was currently done for existing homes in the same zone on this side of I95. What about concerns with the clay liner on the property? Mr. Sawyer demonstrated on the plan the one area with a clay liner. He said the water would be treated and the liner removed. Members had concerns about how to drill a second well given that Well #2 was near the end of its life. The drilling location indicated on paper was not an assurance a well could be dug there because it was not possible to properly evaluate and determine drilling in that location. Attorney Mead said the Water and Sewer Commission meeting determined that repacking and rebuilding were needed. The commission still controlled 400 feet. There were areas to build a well an additional 200 feet toward the property line that maintained a 400-foot offset. Members said drilling closer to the edge of the City line would be too close on that side of the development. Attorney Mead said drilling was too close in any direction. Owners could develop the property unless the City took the land. Mr. Sawyer said the project was 700 feet away and complied with Zone 1.

Prior to this meeting Director Port had discussed with the mayor, DPS, and their consultant the idea of testing performed by the City because it was the City's responsibility to expend funds to determine if drilling a new well was feasible. The applicant controlled the water testing information. It was important to provide the additional information on water and health that City boards had requested. The Planning Board, Water/Sewer Commission, Board of Health, and others had requested additional data and analysis on the quality of soils and groundwater. Further comments have been withheld until the additional information was received. However, the testing requested of the developer's representatives weeks ago had not yet been undertaken. If the developer's team was unwilling or unable to provide the information, all boards and departments (water and health in particular) may need to comment on whatever information the applicant has been willing to provide. Similarly, the Planning Board would be expected to make a decision on the development project without the benefit of the soil and groundwater testing data, previously discussed, and agreed to, in order to protect the City's water supply. To quote Attorney Durning, who has been working for the abutters, "It puts the public (and Director Port would add here the Planning Board itself) at a considerable disadvantage if the technical information is not provided with sufficient time to review, and if necessary to have the consultants review and comment on the information." The applicant's new filing states – and their attorney reiterated here tonight – that "the applicant will undertake the water quality and

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soil testing...prior to any excavation of the site.” Why not prior approval for this large development project over the City’s water supply source, so this was not a can kicked down the road such that consideration of water supply impacts – and possible mitigation measures – were not an afterthought? This seemed to be a change of course on the commitments of the developer at prior meetings. Director Port suggested providing needed information prior to approval rather than after in order to resolve the issues.

Chairman McCarthy said Mr. Billings presented water-testing information on the applicant’s property. The Water and Sewer Commission, AECOM, and the developer, had agreed to test the dirt, per the commission’s meeting. Attorney Mead said the applicant proposed not to test the dirt until it was known if the project would go forward, given the \$36,000 cost. Current testing showed no problems. Chairman McCarthy said the City’s Water Resource Protection regulation could not be administered unless the City received the test results. Attorney Mead said the applicant was here for the OSRD process. The Definitive Plan required that level of detail. Director Port said there was disagreement on that issue between Attorney Mead and the City attorneys. The applicant did not have a request for a WRPD permit whose issues could be considered in the OSRD process for determining Special Permit approval without test results.

Members said it was the board’s responsibility to make a decision when attorneys differed. The board should not waive any of its rights with the OSRD in order to protect the City. The board could proceed with conditions precedent, whereby approval was based on conditions being satisfied. Chairman McCarthy asked the board to consider what water quality testing beforehand or afterward actually meant for Well #2. He had read the entire stormwater manual. Subdivision regulations had the same requirements. There were specific requirements for Zone 2, but no regulation fully addressed the combination of all the unique features of the site. Features included a bowl shape, in Zone 2, seasonal high ground water issues, old and new hydrology reports demonstrating high transmissivity with everything going to the well, and well water going directly into the distribution system. The historical example was the marsh fill. The area was not standard. Even though water was being cleaned, everything went into the ground. Mr. Sawyer said the soil had low permeability. Everything drained into the ISLF, even in a storm.

Director Port said without a connection from Boyd Drive, the extra roadway going down to the cul de sac was longer than 600 feet. Perhaps there were too many lots in the plan. Attorney Mead said the OSRD was designed was to reduce roadway length and paving. Did the board not want that? Chairman McCarthy was not convinced by the water design for the OSRD or the yield plan. All lots backed up against a hole in the ground that drained directly into the aquifer. Attorney Mead said the applicant needed standards to follow to learn whether concerns with the OSRD could be addressed. Members said there was no material difference between the conventional subdivision plan and the OSRD plan. Director Port said the WRPD issues would not go away whichever plan went forward. Members were more comfortable with fewer lots not draining into the bowl. The lot increase from 38 to 43 was a problem. Attorney Mead said the road went all the way up to Brown Avenue, which was not the case with the previous plan. Members were concerned about an accident ruining the water supply. There was nothing in Attorney Mead’s letter about a continuous testing plan and nothing about what would be done if any test results were unfavorable. Insurance was a moot point if the water was ruined. Attorney Mead said the City continued to pour salt over those roads, regardless of the well. The proposed

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put protections in place. The ordinance allowed single-family homes on the site. Director Port said the important issue was whether the proposed project would contaminate or contribute to contamination. Chairman McCarthy needed more information about ongoing testing during building and what insurance would cover.

Public comment open.

Dan McCarthy, 13 Laurel Road, said Oleo Woods, Cherry Hill, Doe Run, and New Pasture Road projects all started off with private concerns maintaining the roads. The City has now taken over those roads. People moving in wonder why they don't have City services and go to the City Council who votes to accept the roads all the time. Private entities fall down on the job because maintaining wetlands is difficult. How much money would an HOA have when it was time to clean 100 feet of swale at \$15-16,000? It would not be affordable and wetlands would be neglected. Insurance did not help if someone got cancer.

Ann Marie Vega, 21 Boyd Drive, asked about the City needing to drill in 50 years, and again in another 50 years? Deal with contaminants now, not later because this was the only clean aquifer the City had. There was a 35-70 day transmissivity. If people fell sick, no one would care if insurance paid for a clean up. Unaddressed issues: 1) 60% was supposed to be open space, not including the stormwater management system there in the 60%, 2) the rebuilt wetland would dig down to the high groundwater that had to be 100% clean, not 80% clean, 3) the first holding pond contaminants would go into the ground, 4) the City will not know if there are contaminants unless they first test the soil, 5) what recourse would the City have if the HOA dissolved, and 6) if continued testing found something, who paid for the clean up?

Bob Mazzotti, 8 Brown Avenue, had been a chemical engineer in water treatment for 34 years. He knew of 30 companies that installed a vortex tornado mechanical filtration. Only five of the companies still used it because they get clogged and have to be removed. He did not understand dumping traffic into the middle of Brown Avenue. Any development scenario would contaminate the water. Insurance does no good if the water was contaminated.

David Marino, 7 Boyd Drive, cited two lawsuits for contaminated wells in Barnstable. Hundreds of Zone 1 and 2 wells had been polluted.

Peg Walsh, 7 Brown Avenue, was concerned about children's safety due to the traffic added to Briggs Avenue, all of Brown Avenue, and all of Laurel Road. She was against the street on Brown Avenue.

Brenda Mazzotti, 8 Brown Avenue, had worked in big box store for years and no one ever asked her what the chemicals in products would do to the ground. HOA regulations could not control what happened along the foundations for 40 plus houses trying to manage ants.

Sam Merabi, Board of Health, said the BOH asked to wait for preliminary tests because there was not enough information. Part of waiting for testing was to understand what future testing plans would look like for health and contamination. There was no sense in having a development plan without that information.

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Don Rogers, 10 Brown Avenue, said excess water backed up along the cul de sac because a berm behind the houses left nowhere else for the water to go. An access road would go through the berm. He thought no digging could occur within 500 feet of the back of any home.

Public comment closed.

Attorney Mead requested a continuance. The board asked if the applicant understood all the concerns? Attorney Mead said she had clarity on the road. The board believed it was a dead end, the applicant believed otherwise because it was a loop around the cul de sac. Director Port said a cul de sac was a dead end with only one way out. He referenced Lots 5-7 and 29-32. Chairman McCarthy believed the road would require a waiver. He did not trust the homeowners to know and follow the HOA rules. The best way to mitigate homeowners' not following rules was to put the run off far away. The bottom of the bowl was the Achilles heel. The constructed wetland was in the water table. There was no treatment between Boyd Drive and the City's water supply due to high groundwater. Mr. Sawyer said the area was too low and water coming out of the pipes could not make it to the detention pond. Chairman McCarthy reiterated that the regulations did not contemplate a bowl. Two studies showed the hydrology went right to the well. The applicant was designing to regulations that were inadequate for the combination of the seven site features. Standard stormwater management systems were insufficient. Attorney Mead said the applicant had to follow existing regulations and standards. Chairman McCarthy said the stormwater design was not acceptable and should be adjusted to address the unique situation. Director Port agreed. The application was under local ordinances and the City could reference the state standards. The City could determine what was needed even if those needs went beyond what the state required.

Leah McGavern made a motion to continue the OSRD Special Permit to January 4th. James Brugger seconded the motion and all members voted in favor.

Motion Approved.

During the course of discussion and consideration of this application, plan(s), supporting material(s), department head comments, peer review report(s), planning department comments and other related documents, all as filed with the planning department as part of this application and all of which are available in the planning department, were considered.

4. New Business

- a) David Hamel and Karen
496 Merrimac Street
VI.C Special Permit (2016-SP-07)*

Chairman McCarthy read the notice. Attorney Mark Griffin, 11 Market Square, proposed constructing a second single-family dwelling toward the rear of the lot in R1 zoning. The pre-existing non-conforming lot had 76 feet of frontage. The lot extended 376 feet back behind the

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existing home on the street and sloped significantly toward the west. At the board's recommendation, the project went before the Newburyport Historical Commission (NHC) and received positive feedback. The project would confer a public benefit with a preservation restriction on the existing circa 1850 home that was likely older. The request for a variance for dimensional requirements resulted in ZBA feedback that a two-family use was required. Planning Board feedback on the two-family use was needed. He showed a drawing of the proposed 1,500 square foot home. The plan was modified with neighbors' feedback. He showed an aerial view indicating that the proposal would not block neighbors' views. There was no structure between the proposed and the river other than a shed.

Tom Hughes, Hughes Environmental Consulting, 44 Merrimac Street, said there were a fair amount of wetlands on the property starting just before the lot line. Attorney Griffin said the proposed drive was on the right and the existing drive was on the left. The Fire Department found the driveway to be reasonable access and added stipulations for the use of compacted material, maintaining the driveway, and sprinkling the proposed home. The proposal met all other criteria for Section VI.C. He distributed letters from Police Department, DPS, and two neighbors with a positive response. The additional dwelling had a separate access and would not be visible from the street.

Members asked for more information on abutters' feedback. Attorney Griffin said abutter accommodations included the installation of fencing and removal of one bay from the garage. What was the reason for not using the existing driveway? Mr. Hughes said that would have put the new driveway in the 25-foot No Disturb area. He was trying to keep the house outside the 100-foot buffer. Did the applicant have the right to demolish the home? Attorney Griffin said yes, after a one-year demolition delay. What were the subordination features? Attorney Griffin said subordination applied to two buildings together on the street and the criteria was not applicable in this situation. The proposed dwelling was 250 feet off the street with a footprint difference of 58%, whereas the criteria called for 10%. Chairman McCarthy asked what the footprint was without the garage? Attorney Griffin said that would not bring the difference below 10%. Could the property be subdivided? Attorney Griffin said not without a zoning variance. Director Port said that it was not likely to be approved by the ZBA. Needed were the details outlining the historic preservation; otherwise the office had no objection to the application. Members asked about the condition of the house? Maybe the board needed conditions for restoring the house in case buyers could not afford the restoration. The board did not want a preservation restriction on a house in poor condition. Attorney Griffin said the restriction provided for preservation and maintenance. Director Port said the Kelley School had an appendix on their preservation restriction. Members wanted the current owner to be responsible for restoration rather than the new owner, as part of their benefit to the City for approval to build a new house on the lot. Chairman McCarthy said the streetscape was important. If the house was demolished, another house could want to build 30-40 feet back from the street. He agreed there should be conditions. He did not know if the NHC would address additions to the house. The project might not work with two 2,000 square foot footprints. Members asked if the sidewalk ordinance was activated. Director Port said yes.

Public comment open.

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Peter Carlson, 500 Merrimac Street, supported the project.

Terry Tuxbury, 500 Merrimac Street, supported the project.

Tom Kolterjahn, 64 Federal St, co-president Newburyport Preservation Trust, appreciated the board's comments about the building's condition.

Roland Hamil, 74 Coral Lane, Seabrook, grew up in the house and supported the project.

Karen Damon, 496 Merrimac Street, said the proximity to the street was a concern for her 2-year old and wanted to see the family home preserved.

Public comment closed.

Chairman McCarthy asked the applicant to go to the NHC to learn more details on what elements were most important in the preservation restriction. The board should contemplate future expansion restrictions on the houses. Attorney Griffin said there were already restrictions due to wetlands on the property. Members said height was an expansion option. Attorney Griffin said it would be a condominium ownership. The existing house was unit A; the new house was unit B.

Bonnie Sontag made a motion to continue the Section VI.C Special Permit to January 18th. Mary Jo Verde seconded the motion and all members voted in favor.

Motion Approved.

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***b) Newburyport Manager LLC c/o New England Development
Brown's Wharf, 54R Merrimac St, 58 McKay's Wharf, 72 Merrimac
Street, 86-90 Merrimac Street, and 92 Merrimac Street
Preliminary Subdivision Plan (2016-PSP-02)***

Attorney Tim Sullivan, Goulston Storrs, for NED, said the five-lot subdivision plan showed lots that could be used as a baseline for Waterfront West, but this application was separate and apart from the Waterfront West project.

Members asked if the plan was to align lots with what would be proposed? Attorney Sullivan said yes, the lots today were a mess. Would the plan include the interim rail trail? Attorney Sullivan said yes. Director Port said the plan was unrelated to what would be developed. It was about showing an as of right subdivision to demonstrate that the land could be subdivided that way and did not confer any public access. Members asked if the peer review should be kept open? Director Port said the plan had no bearing on what the development would be. Chairman

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McCarthy said it was about subdividing the land, as another avenue for the landowner. Members said the comment from the City engineer should be addressed.

Public comment open.

Stephanie Niketic, 73 High Street, asked if this was like an ANR? Chairman McCarthy said the plan took advantage of the baseline zoning. It was a plan B and within the applicant's right. Ms. Niketic asked how long the zoning would be frozen? Director Port the plan allowed the applicant to work on financing for a future scheme. It was a step up from an ANR and it was compliant. CSI normally addressed comments in a more detailed plan. Approval was not an 'as of right' rubber stamp and the applicant was entitled to approval because it was not a waiver plan. The City would still look at what was allowed to be built under the zoning.

Mike Lambert, 58 Merrimac, asked what CSI was? Director Port said CSI was the engineering consultant for the City, paid for by the applicant. Mr. Lambert said there was no public comment on the plan at NED's presentation. He preferred continuing until January.

Public comment closed.

Don Walters made a motion to continue the Preliminary Subdivision plan to Jan 4th. Leah McGavern seconded the motion and all members voted in favor.

Motion Approved.

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5. Planning Office/Subcommittees/Discussion

a) Donahue Court Update –

Attorney Mead the applicant was allowed to excavate around the foundation but instead cleared part of the abutter's property and took out trees. There was significant damage to the Eramo's property, two of the hospital's trees were removed, and the roots of trees not taken down were graded out. The building commissioner had issued a cease and desist order. A fine was called for. The board needed to look at a formal modification to the plan by the owner, 13 North Adams, LLC, Bedford, NH. Mark Dipiero was developing the lot. Chairman McCarthy said the applicant needed to come back to redo the stormwater. Attorney Mead showed the grading plan on file and said the entire lot had been graded and cut all the way back along the property line. She understood the applicant wanted to cut out and level off the back to put in retaining walls. Director Port said the house was larger, the driveway was larger, and there were a basketball court and a pool in the back. Attorney Mead said the foundation was different. Director Port said the plan was dropped off today by the building commissioner.

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The Eramos said 10-12 truckloads of soil were removed. They went to the building inspector who immediately went to the property. The developer was trying to build and pour retaining walls in two days. He was arrogant and said he had been building houses in the City for years. The hospital's side was in poor condition. A heavy wind could take down 20 trees. He should pay for everything. Attorney Mead said plans clearly stated that there should be no removal of soils from the site because of drainage. Director Port said it looked very different than what the board approved and must be addressed as a modification. Chairman McCarthy understood that the building inspector issued an at risk building permit for the foundation. The Eramo's said there was a stop work order. Attorney Mead asked the board to tell the building inspector not to issue any permits until the applicant came back before the board. Neither the hospital or nor the Eramo's had been approached, despite their correspondence.

Mary Jo Verde made a motion to stop all work and not allow the applicant on the site of 26 Toppans Lane, 4B until the board had a modified plan. Joe Lamb seconded the motion and all members voted in favor.

Motion Approved.

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6. Adjournment

Don Walters made a motion to adjourn. James Brugger seconded the motion and all members voted in favor.

The meeting adjourned at 10:52 PM.

Respectfully submitted -- Linda Guthrie