

**Zoning Board of Adjustment
27 School Street
HILLSBOROUGH, NH
September 11, 2023**

DATE APPROVED: 10/16/23

TIME: 7:00 p.m. – 10:05 p.m.

CHAIRPERSON: Lucy Pivonka

VICE CHAIRPERSON: Roger Racette

MEMBERS: John Segedy, Keith Cobbett, Russ Galpin

PLANNING DIRECTOR: Robyn Payson

ALTERNATES: Larry Baker

EXCUSED Lucy Pivonka

Public Present: Luc and Christine Mailloux, Denis and Lana Dumont, Chad Branon, Riche' Colcombe, Tom McClure, Dave, Terry and Adele Thomas, Bill Hutwelker, Jack Franks, Bill Shee, Joseph Demmons

CALL TO ORDER:

Roger Racette called the meeting to order at 7:00 pm, called the roll and appointed Larry Baker to sit in place of Lucy Pivonka

Pledge of Allegiance

Minutes 7/10/23

John Segedy said on page 2 pointed out that the word “zonin” needed a “g” on the end.

John Segedy said on page 3 under the “training” section, the word “review” needs to be added after “site plan”.

Roger Racette made a motion to approve the minutes as amended. John Segedy seconded the motion. The motion carried unanimously.

Public Hearing

2 Variances

Harvey Way Map 110 Lot 152
Avanru Development Group Ltd.

Robyn Payson read the meeting notice.

Roger Racette submitted to the Board Members an unofficial transcript of a portion of the last Planning Board meeting submitted by Riche' Colcombe.

Roger Racette made a motion to recess the Board for five-minutes to allow the Board to read the transcript (See Attached).

Variance 1:

The proposed multi-family use on the property requires a variance pursuant to Article III, section 229-20 (A) for a dwelling more than four family use not secondary to a commercial use per Attachment 4:1, Zoning table 4 Chart of Uses.

Chad Branon of Fieldstone Land Consultants presented the first variance to locate 84 units of senior housing and 40 multi-family units on Harvey Way. (See variance criteria narrative attached).

Mr. Branon said the proposed Community Center was shown on the draft plan at the front of the workforce housing development; he said it will be moved further back on the property. The final location has not yet been determined. He said when they started laying out the development, they considered the surrounding uses on Harvey Way which are residential. He said even though the lots are "Commercial" it is transitional because of the residential uses on Harvey Way.

Mr. Branon said what they are proposing is an 85-unit Elderly Housing development, a 40-unit multi-family market rate Condominium development and 11 single family lots. He said the permitted uses are more intense and they think this is the most appropriate way to handle development. This development will increase the housing stock for the community.

A. Granting the proposed Variance will not be contrary to the public interest because:

Mr. Brandon responded from the narrative document.

Roger Racette asked if there were any questions or comments from the Board.

John Segedy asked Mr. Branon to explain how the residential units are compatible with the old landfill and the industrial uses of Sylvania.

Mr. Branon said when they look at compatible uses, they look at how the site is being accessed and what is the connectivity. When you look at Harvey way, when you are coming down you are driving through a residential neighborhood. They are compatible by extending the residential use. This will be a residential corridor with compatible commercial uses like the community center and a possible Convenient MD. He said commercial uses would be less compatible with the residential uses around it.

B. Granting of the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance because:

Mr. Branon read from the narrative document.

Roger Racette asked if there were any questions or comments from the Board.

Keith Cobbett said the applicant stated the use would be similar to a nursing home or retirement home. Is that what is being proposed?

Mr. Branon said they are not proposing a nursing home. This is an elderly housing complex.

Keith Cobbett said it is dissimilar because it is an entirely different housing complex. Nursing homes have staff and have needs from the Town that include fire and medical.

Mr. Branon said if you have a senior development you would have an emergency call occasionally but you will also have 84 units that will be positive to the tax base.

There was discussion about the fiscal impacts of senior housing.

Keith Cobbett disputed that this use was similar to a hotel or motel citing the taxes those businesses bring into town.

Mr. Branon said it was not dissimilar due to intensity of use.

There was discussion about tax impact to the town between the uses.

There was further discussion about whether the proposed use was dissimilar to a hotel.

Mr. Branon said what they look at for similarity is people on site staying over, traffic, stormwater and there are going to be impacts associated with the use. He said he was not saying that from the standpoint of taxes.

There was further discussion about the senior housing use and tax impacts.

John Segedy said the senior housing would not create tax impacts to the schools. He also said he could see Keith Cobbett's point of issues with staffing at a nursing home but ambulances are at nursing homes much more than at homes.

C. Granting the proposed Variance will do substantial justice because:

Mr. Branon read from the narrative document.

Roger Racette asked for questions and comments from the Board.

John Segedy said Water/Sewer is not on this property yet. They are down on West Main Street.

Mr. Branon said that is correct. He said the utilities have been designed and approved to the end of the workforce housing development site. That infrastructure has been sized to anticipate further development. They will also be tying into the water on Harvey Way.

D. Granting the proposed Variance will not diminish the values of the surrounding properties because:

Mr. Branon read from the narrative document.

Roger Racette asked for questions and comments from the Board.

Russ Galpin pointed out that there was discussion about the single-family dwelling property in conjunction with the discussion about the senior housing and condo development. He said those discussions should be separate.

Mr. Branon said the single-family lot parcel needed to be discussed in conjunction with the senior housing and condo's because it is a transitional piece.

John Segedy said that the applicant says there is no evidence that it is not going to decrease property values. He said Mr. Branon is stating an opinion that the value will increase, and did he have any evidence to show that.

Mr. Branon said he is not an appraiser, but he has worked closely with them on projects. He said the reality is that developments in harmony generally have positive impacts because there is investment into the community. He said you can't just look at what they are proposing, you have to look at what is permitted in this zone. When you look at what's allowed in the zone, they are suggesting that this use is a better use for the property because it's more compatible with the surroundings.

There was a discussion about property values.

The conclusion was that there was no evidence presented demonstrating that property values would or would not increase or decrease.

E. Literal enforcement of the provisions of the ordinance will result in an "unnecessary hardship" because:

(1). Owing to special conditions of the property that distinguish it from other properties in the area: (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) The proposed use is a reasonable one because:

Mr. Branon read from the narrative document.

Mr. Branon said multi-family development is allowed in the zone by special exception as long as it's secondary to a commercial use. They are suggesting that the shape of the land and the wetlands don't serve the conforming commercial uses, especially as a primary use.

Mr. Brannon said it would be difficult to say that a commercial use belongs at the end of Harvey Way. He said that is why he thinks the development is reasonable with the municipal services available.

Roger Racette asked if there were any questions or comments from the Board.

John Segedy asked about the applicant using the term “highest and best” use when they are talking about a “reasonable use”. They are not the same. The law does not require using the property at the highest and best use.

Mr. Branon said he does work in a lot of municipalities that have Water/Sewer and municipalities want to see the highest and best use meaning that is where the density belongs because the service and the infrastructure is there.

Roger Racette asked Mr. Branon to talk about the character of this specific neighborhood and how this is in character with the neighborhood or how it might be out of character with the neighborhood.

Mr. Branon said when he takes a look at a neighborhood, he looks at how the property is being accessed. He said he does not look at direct abutters necessarily because as the Board knows there is always going to be a change in zone or a change in use so it’s not necessarily what is next to you. He said when you look at this plan, clearly there is significant buffering along the southern corridor to the Sylvania building. He said there is significant buffering from the commercial use to the dump use at the east. Then there is Harvey Way, which is residential to the west, you have RTE 9 to the north with an easement that is a buffer to RTE 9. When you look around at what the surrounding uses are and then you contemplate the buffer, where he goes from there is, where are we taking access? He said they have access to this property with a new road which contemplates going through a workforce housing development which is a residential use in a commercial zone.

Mr. Brannon said the secondary access is through Harvey Way which is residential. So you have this isolated piece of property. He said they think it would be in harmony to propose a residential use in this location.

Roger Racette opened the public hearing.

Tom McClure said in variance request 1, C it was stated that public water and sewer was available. He asked if they had been contacted, and if there is availability for all of these additional units?

Robyn Payson said that they haven’t been contacted on this portion of the development.

Mr. Branon said when they received the approvals on the first phase, that process included a conversation with the state Department of Environmental Services because they oversee municipalities and their infrastructure. It is his understanding when talking to them is that there is sufficient capacity on both water and sewer. If there were impacts to water and sewer, it

would have an impact on the proposal. He said it was his understanding after the approval of the first phase that there should not be any issues with capacity.

Luc Mailloux said he had a couple of concerns. He said the applicant said there were no concerns about sewer and water. He said a major project that came in across 202 was going to help update the water and sewer. He asked if anything had been updated since that project failed. And the applicant is saying the workforce housing won't affect it, but you also have 84 units added for the elderly home, and the individual homes that are not accounted for. He also wanted to make a comment to a statement Keith Cobbett made. He said the new multi family units will not bring in the same tax revenue as single-family homes. He said they had indicated that there would be follow through traffic (onto Harvey Way). He commented on the width of the Harvey Way and questioned the ability of the road to handle the additional traffic. He also talked about the need for upgrades to the existing water and sewer.

Mr. Branen said that Mr. Mailloux brought up concerns about the infrastructure along Harvey Way. He said if they didn't have the ability to service this development from West Main Street, they wouldn't be able to do what they are proposing. The primary service for the water and sewer is from West Main Street. He said what they are doing will not be contributing to any issues on Harvey Way as far as infrastructure. If anything, they will be improving it because they will likely be connecting to the water. The development of this lot is better served through the West Main Street connection. He said they would make the case that road connection is generally a Planning Board item. He went on to talk about things the Planning Board could ask for.

John Segedy asked if they would be using the pump station on West Main Street?

Mr. Branen said he didn't know if they needed a pump station but if they did it would be designed into the project.

Riche' Colcombe said that since there has been a lot of discussion about taxes, she said she would like some clarification. She asked about the market rate condominiums and if the senior housing is going to be "affordable". She said her understanding is that this is going to be through tax credits which to her understanding means the Town won't get the full tax valuation.

Larry Baker said this would be better addressed through the Planning Board process.

Mr. Franks said the affordable senior housing would be similar to the workforce housing. This is for seniors only but would use the same funding mechanisms as the workforce housing. He said they do a market study to ensure the correct age bracket is being addressed. Regarding the way the taxes are done, it's through a PA67 form through the state of New Hampshire. There will be taxes paid but he would not be able to give a number because they do not know what the unit size will be, but it is generated by the income of the property. He said he could safely say it will be more than \$100,000.00 per year in taxes. He said the elderly housing and market rate condominiums would likely generate more than half a million dollars a year in taxes.

Leigh Bosse said when the workforce housing development came before the Board he was concerned that prime commercial property was being used for residential development. He said that really doesn't apply here and said the top portion is improperly zoned, it should be zoned residential. He said everything up there is residential so he would not be concerned with having it zoned commercial and asking for a variance. He said he thought that the variance should be granted.

There was discussion about the proposed community center in the development.

Terry Thomas said it was his land that was being discussed. He said there was a lot of history through his family on the area and regarding Harvey Lane. Mr. Thomas shared some history of the property. He said it was never meant to be a dead-end road.

Bill Hutwelker wanted to bring up the legal aspect of the issue of a hotel or motel being dissimilar to the multi-family condominiums or elderly housing development. He said in November or December of 2020 there was a superior court case *Avanru vs Town of Swanzey* where a judge ruled that multifamily use is similar to a hotel, motel, and a nursing home. That decision was upheld in the spring of 2022 By the Supreme Court.

John Segedy asked about drainage and snow storage.

Mr. Branen said those things were not designed yet and will be addressed by the Planning Board through Site Plan Review.

Roger Racette closed the public hearing.

The Board began deliberations.

Roger Racette said housing is a hot topic in the State of NH and the entire country. He said the State now has a Housing Appeals Board to expedite housing projects. He said the Board should be cognizant of the housing needs in town. He said Osram Sylvania is desperate for employees. He asked how do you attract people to the area to help the businesses if you don't provide housing?

Larry Baker said the Board needed to be careful and that this conversation is best handled at the Planning Board level.

Roger Racette said his point was that the Town of Hillsborough needs housing.

Keith Cobbett said one of his main concerns was with the condos themselves. He said that could mean 40 kids for the school district. He said at \$20,000.00 per kid it was a lot for the taxpayers to absorb. He said that is to be considered as part of the public interest. This is also the case with police and fire. He said he was also concerned about traffic.

Br. Brannen said those issues were not addressed in the public session and they did not have the opportunity to respond. He said the figures quoted by Mr. Cobbett were incorrect.

John Segedy said traffic was addressed. He also said just because someone brings up a concern it doesn't mean the Board has to address it.

Keith Cobbett said water and sewer was an issue because if they use 50% of the available sewer capacity other development will not be able to take place.

John Segedy said they needed to go by the criteria.

A. Granting the proposed Variance will not be contrary to the public interest because:

Roger Racette said the public interest is the need for housing. Another public interest is that businesses need employees to support them.

John Segedy said the number of wetlands was also in the public interest.

John Segedy said another public interest might be the location being very close to Sylvania, propane tanks and also being very close to the dump. He said it was also in the public interest to consider where you are putting public housing and the future maintenance of the development.

Larry Baker said John could have his concerns addressed when the project goes before the Planning Board for site plan review.

John Segedy said they can put conditions in place that address the maintenance of the development.

Roger Racette called for a vote on the criteria:

Roll Call Vote: John Segedy-Yes, Larry Baker-Yes, Russ Galpin-Yes, Keith Cobbett-Yes, Roger Racette-Yes. The criteria passed 5 to 0.

Findings of Fact:

- i. There is a need for housing.
- ii. Businesses are struggling to find people to hire.
- iii. There are residential uses adjoining the property.

B. Granting of the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance because:

John Segedy said what seems to be happening here is that this area is being re-zoned by way of variance.

Roger Racette said it is going to be mixed use.

John Segedy said that there is a small amount of commercial development that may happen. He said they are re-zoning, and it may be appropriate, but he said he was not sure that they should

be doing it. He said often when there is a big change to zoning a proposal goes to the Town and the voters make that decision. He said right now it is supposed to be commercial.

Roger Racette said his house is in the commercial zone and the area uses are residential. He said there doesn't seem to be any negative impact from those homes being in the commercial district.

John Segedy said the spirit of the zoning ordinance. He said the Town is chewing up quite a bit of its commercial zoning with residential development.

Roger Racette said it appears that a trend in the state is to mix commercial with residential development.

Roger Racette called for a vote on the criteria:

Roll Call Vote: John Segedy-Yes, Larry Baker-Yes, Russ Galpin-Yes, Keith Cobbett-Yes, Roger Racette-Yes. The criteria passed 5 to 0.

Findings of Fact:

- i. The proposed multifamily development will not be dissimilar to a nursing home, retirement home, hotel, or motel, all of which are permitted by right in the Commercial District.

C. Granting the proposed Variance will do substantial justice because:

Roger Racette called for a vote on the criteria:

Roll Call Vote: John Segedy-Yes, Larry Baker-Yes, Russ Galpin-Yes, Keith Cobbett-Yes, Roger Racette-Yes. The criteria passed 5 to 0.

Findings of Fact:

- i. The benefit to the applicant is not outweighed by a loss to the general public.

D. Granting the proposed Variance will not diminish the values of the surrounding properties because:

Roger Racette called for a vote on the criteria:

Roll Call Vote: John Segedy-Yes, Larry Baker-Yes, Russ Galpin-Yes, Keith Cobbett-Yes, Roger Racette-Yes. The criteria passed 5 to 0.

Finding of Fact:

- i. No evidence was presented to demonstrate that the value of the surrounding properties would be diminished.

E. Literal enforcement of the provisions of the ordinance will result in an “unnecessary hardship” because:

(1). Owing to special conditions of the property that distinguish it from other properties in the area: (i) No fair and substantial relationship exists between the general public purposes of the

ordinance provision and the specific application of that provision to the property; and (ii) The proposed use is a reasonable one because:

Roger Racette called for a vote on the criteria:

Roll Call Vote: John Segedy-Yes, Larry Baker-Yes, Russ Galpin-Yes, Keith Cobbett-Yes, Roger Racette-Yes. The criteria passed 5 to 0.

Findings of Fact:

- i. There is a need for housing.
- ii. The property is unusually shaped.
- iii. The proposed use is not out of character with the existing neighborhood on Harvey Way

John Segedy made a motion to approve the appeal of Jack Franks, Avanru Development Group Ltd for variance #1. Roger Racette seconded the motion. The motion carried unanimously.

Variance 2

A variance is being requested pursuant to Article III, Section 229-20 (A) Attachment 4:1, Zoning Table 4 Chart of Uses for single-family dwelling units not secondary to a commercial use.

Mr. Branon presented the second variance to allow single family dwelling units not secondary to a commercial use.

Roger Racette asked about the access to lot #6.

Mr. Branen said #6 takes access off the cul-de-sac and has frontage along Harvey Way. Mr. Branen said that this plan is conceptual, the details haven't been included yet and the specifics may change. The specifics of the plan will be addressed through the subdivision approval process.

A. Granting the proposed Variance will not be contrary to the public interest because:

Mr. Branen said they are looking to transition into Harvey Way with a use that is entirely single family. He said they have the single-family lots where the property narrows and there are some wetlands. The single family lots allows them to work around those features. A single-family use is permitted in this zone by special exception if it is a secondary use. He said you see this use commonly in the commercial zone so this use is not contrary to the public interest, and the residential subdivision will not conflict with the zoning ordinance to promote health, safety, and the general welfare of the community.

B. Granting of the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance because:

Mr. Branen said that because single family dwellings are allowed by special exception when secondary to a commercial use. Because that use is allowed by default, they are observing the spirit and intent of the zoning ordinance. The only exception is that they are not proposing a

commercial use on the property. The subdivision will create much needed lots adjacent to approved multi-family housing. They think this is a reasonable development of this property.

C. Granting the proposed Variance will do substantial justice because:

Mr. Branen said substantial justice is done by granting the proposed variance for single-family dwelling unit use will allow the property owner and the developer to develop their property into a much-needed use and allow for that transition in harmony with the neighborhood. Granting the variance will allow for a more complete use of the property. The public will have no appreciable gain from the denial of this variance.

D. Granting the proposed Variance will not diminish the values of the surrounding properties because:

Mr. Branen said this development is going to be adjacent to property that is all single-family uses. That is the concept of transitioning and compatible uses typically do not have a negative impact on property values. He said they believe the new development will have a positive impact because they will be appraised higher and bring the surrounding property values up. He said with no evidence to the contrary this project will not have a negative impact on the surrounding properties.

E. Literal enforcement of the provisions of the ordinance will result in an “unnecessary hardship” because:

(1). Owing to special conditions of the property that distinguish it from other properties in the area: (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) The proposed use is a reasonable one because:

Mr. Branen said the special conditions of the property that distinguish it from other properties in the area are the fact this lot has an irregular shape and is constricted by wetlands. He said the topography is also steeper. He said smaller homes can work around the natural features better. He said they don't believe there is any substantial relationship that exists between the general public purpose of the ordinance and the specifics of the property.

Roger Racette opened the public hearing.

There being no comment Roger Racette closed the public hearing.

The board began deliberations.

A. Granting the proposed Variance will not be contrary to the public interest because:

Roger Racette called for a vote on the criteria:

Roll Call Vote: John Segedy-Yes, Larry Baker-Yes, Russ Galpin-Yes, Keith Cobbett-Yes, Roger Racette-Yes. The criteria passed 5 to 0.

Findings of Fact:

- i. There is a need for housing.
- ii. Businesses are struggling to find people to hire.
- iii. There are residential uses adjoining the property.

B. Granting of the proposed Variance will observe the spirit of the Hillsborough Zoning Ordinance because:

Roger Racette called for a vote on the criteria:

Roll Call Vote: John Segedy-Yes, Larry Baker-Yes, Russ Galpin-Yes, Keith Cobbett-Yes, Roger Racette-Yes. The criteria passed 5 to 0.

Findings of Fact

- i. The proposed single-family development will not be dissimilar to a nursing home, retirement home, hotel or motel, all of which are permitted by right in the Commercial District.

C. Granting the proposed Variance will do substantial justice because:

Roger Racette called for a vote on the criteria:

Roll Call Vote: John Segedy-Yes, Larry Baker-Yes, Russ Galpin-Yes, Keith Cobbett-Yes, Roger Racette-Yes. The criteria passed 5 to 0.

Findings of Fact

- i. The benefit to the applicant is not outweighed by a loss to the general public.

D. Granting the proposed Variance will not diminish the values of the surrounding properties because:

Roger Racette called for a vote on the criteria:

Roll Call Vote: John Segedy-Yes, Larry Baker-Yes, Russ Galpin-Yes, Keith Cobbett-Yes, Roger Racette-Yes. The criteria passed 5 to 0.

Findings of Fact:

- i. No evidence was presented to demonstrate that the value of the surrounding properties would be diminished.

E. Literal enforcement of the provisions of the ordinance will result in an “unnecessary hardship” because:

(1). Owing to special conditions of the property that distinguish it from other properties in the area: (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) The proposed use is a reasonable one because:

Roger Racette called for a vote on the criteria:

Roll Call Vote: John Segedy-Yes, Larry Baker-Yes, Russ Galpin-Yes, Keith Cobbett-Yes, Roger Racette-Yes. The criteria passed 5 to 0.

Findings of Fact:

- i. There is a need for housing.
- ii. The property is unusually shaped.
- iii. The proposed use is not out of character with the existing neighborhood on Harvey Way.

Roger Racette made a motion to approve the appeal of Jack Franks, Avanru Development Group Ltd for variance #2 by a vote of 5 to 0. Keith Cobbett seconded the motion. The motion carried unanimously.

Robyn Payson reminded the Board about the training on September 25th at 7:00pm at the Town Offices.

Keith Cobbett made a motion to adjourn. Larry Baker seconded the motion. The motion carried unanimously.

The meeting was adjourned at 10:05 pm

Respectfully Submitted,
Robyn Payson, Planning Director

From Hillsborough Planning Board Meeting: September 6, 2023

As provided by Riche' Colcombe.

Steve: Can I skip back to something? I know a little about the Water & Sewer Commission because Kim came down to see me. Do you guys want to know what that's on there for (referring to the agenda).

Steve: He came to see me because, you know, the people that are on that board have not been to any of the capital improvement meetings, and the sewer is in need of improvement, especially with buildings and businesses that are probably coming into town at some point in time. And so, I don't know heck of a lot more than that. But they need to, you know, light a fire, I would say under Peter. And I think he wants me to do that, and I have no problem doing that.

Susie: What does he want you to do?

Steve: I think he wants me to light a fire under Peter Mellen to get him to at least come to the meeting and have some sort of plan going forward as to what they want to make for capital improvements in this town to the sewer system. So, if they have to hire that done, then they should hire that done.

Susie: I can speak to that. I was with them at the meeting, so I can elaborate a little bit. So, we went to see basically what status of the sewer capacity is and there we have a capacity of about 104,000 gallons a day, excess, and that does not include the workforce housing, which is about 22,000 or 24,000 gallons a day. However, what he said was that the difference between the amount of water going into the system and the amount of water going into the sewer system, there's a pretty big differential, and a lot of the water that's going into the sewer system is the result of broken pipes, aging pipes, aging infrastructure that needs to be replaced. So they got this report that was finally approved by the EPA, or I don't know if was on the state or federal level... anyway...I think it was federal and it identifies a number of streets where the sewer pipes need to be repaired, and for the first time ever, the Water and Sewer Commission is working with the Select Board and the Highway Department to identify the streets that need repairs. And when the streets are rebuilt by the Highway Department, they are also replacing the sewer pipes at the same time. And when we asked for more information about other streets that need to be repaired and other questions, we were referred to this multi-page report, which they couldn't send in a PDF because it was too big and the Select Board have a copy, the Town Administrator has a copy, and I don't know who else does. But the Water Sewer Commission is very clear that they have no responsibility for future expansion plans, that is under the purview of the select board, and they're not pushing for it; they're not talking about it to the select board. It's just not their business as far as they're concerned.

Steve: Seems like it is...

Nancy: Yeah... seems like it would need to be.

Susie: It would seem like that to me. But when you asked about the next streets that were gonna be done, they said, well, I don't know, we'll have to see how it goes this time since we haven't done it before. So, there's a little tension, perhaps, about how this is going to work out... It's kind of a... It's a very unusual situation I think in terms of how the water and sewer department is managed versus the town; they should not be separate; they should be working collaboratively.

Ed S: Well, they themselves should have like a five-year plan or something, you know. Where will the W & S Commission be in five years? What do they expect?

Susie: Apparently, the EPA evaluates them every year to determine what capacity they have. But in terms of if anything goes wrong, or I said, "the town is starting to expand," and he said, "well the commercial development doesn't take much water. Housing, like the workforce housing, he said that's definitely a component, but it's not gonna clean us out of capacity."

Susie: So of course, I had to ask about the brewery, and they said that the brewery was not permitted to because that affluent that comes out of the brewery has nutrients in it that could upset the balance of the sewer treatment plant chemicals and make it ineffective. So, the affluent would have to be pretreated before it left the brewery to go into the main sewer system. That pretty much sums it up.

Ed: So if the town was to grow enough to use up this extra 100,000 or whatever it is...(about 80,000) who's gonna be responsible at that point?

Susie: Well, they consider the Select Board responsible and the Town. And, the town is responsible for those capital improvements.

Susie's Question...But, they're not part of the Capital Improvement plan, right?

Robyn's Answer: They are...but they are not participating. They're not sending a representative.

Susie: Right... And I don't know if Ernie is including their work with...

Robyn: Ernie really can't do that. I don't think that's fair to expect of him. I think Ernie can talk about what roads he's planning on doing and then then they could base their Capital Improvements plan on that, but to...(unfinished thought)... Kim said something to me about...(unfinished thought)...and you know, it's playing telephone and you don't know if it's completely accurate... but that they had said that it was up to Ernie to come up with their capital improvement projects. And that's not, it's not right.

Steve: No...I'll make a few phone calls. I'll talk to Ernie, and I'll talk to Peter, but I can call Weaver Brothers Construction; they're all friends of mine. I have several other people that do this type of thing every day, and if I know the road, I can at least come up with a ballpark idea of what it would cost and any cost overrun if things go bad. And at least give Ernie something so he wouldn't have to do it. He could just be the manager of it...you know, the pass the buck

guy...showing here's what we got for numbers and they should be...I'll see if I can get Peter to go to the Capital Improvement meetings.

Susie: It would be...I mean, they're also on the Economic Development Commission and they don't participate in any other town meetings. I think they have gone to the Select Board for this one project, but...

Steve: I think Kim's on it. I think Kim's figured that out. He's on it. So that's why he came down to see me.

Susie: But, they're not participating. There's not much he can do

Ed: So our discussion tonight is basically sewer. So, is this Commission going to keep on overlooking the water situations in the future? I mean they have it, but you know, pass it off the same way in the future if we run short of water?

Susie: Apparently is no shortage of water...

Ed: That's not an issue...

Susie: That's not on the radar at all. It's not any concern.

Susie: To me it seems like a big issue. I think a lot of other people have major concerns and I don't know how much the public is aware of the (kind of a) disconnect between water and sewer and the rest of the Town.

Ed: Probably not too well connected at all. I don't think the town, you know, people in town realize any of that's going on.

Susie: Although when it came up for a vote to put them under the auspices of Town management several years ago, it was voted down.

Robyn: Well, to be fair about that. People that I spoke to about it for a good solid year...and I was talking about infrastructure and the town needs infrastructure and that's why it would be good to have it all under one...you know, one government, basically. When it got to Town meeting, a couple of people got up and made personal attacks on the Water and Sewer Commission. So there was no way it wasn't gonna go down in flames. There were no facts brought forward at all. So it was...it was just a negative attack and it was very unfortunate because I had spoken to a lot of people and instilled in them this had nothing to do with personalities, or them, or anything. It had to do with infrastructure, and nobody talked about that. So, you know, I don't think there was a fair communication of legitimate reasons. People got up...two people...two, maybe three people talked about illegal meetings. It was just all kinds of nonsense and there was no value to it at that point. You know, I think I left because it was just unfortunate because it was supposed to be a positive thing and it just got taken away by people with an axe to grind.

Susie: And, Dana was not meeting. I think Dana might be a sort of an ameliorating factor on the Commission, but I couldn't see how or what his interaction was because he wasn't there. But, Kim's position is we need to continue to encourage collaboration and cooperation with the Select Board and go from there.

Steve: If nothing else, all they need to do is put a number on what it's gonna cost...per road or say per foot. They could probably give you some kind of a number, which I could get that for you pretty easily. So... it shouldn't be any magic.

Susie: But it should be...I think it should be in the capital improvement plan...(the group: "absolute")... And, you know, we can plan for it without having these huge bills come up and get incorporated into the tax rate. So, anyway, that's all I have to say about the Water and Sewer Commission.