

Town of Bayfield
Planning Commission Minutes
April 10, 2012
1199 Bayfield Parkway Bayfield, CO 81122

Planning Commissioners Present: Michelle Nelson (Chairman), Joe Mozgai (Vice Chairman), James Sanders, Patricia Heyman

Planning Commissioners Absent: Dr. Rick K, Smith (Mayor), Gabe Candelaria, Chris Rhodes

Staff Present: Chris La May (Town Manager), Marianne Jones (Town Clerk), Kathleen Cathcart (Deputy Town Clerk)

The meeting was called to order @ 7:06 p.m. by Michelle Nelson

Minutes: James made a motion to approve the minutes from the March 13th, 2012 Planning Commission Meeting as presented. Joe seconded the motion. All were in favor, except Pat who abstained. Motion carried.

Public Input: None offered so it was immediately closed.

Public Hearing: Use By Review – 442 Wolverine Drive

Chris gave his staff report. The property 442 Wolverine Dr. (Lot 29, Bayfield Center Subdivision) is zoned Business (B). The Business (B) zone allows for light industrial use through a Use by Review. The applicant is seeking permission to convert the old Steamworks building to a light industrial property for the manufacture of cabinetry, doors and moldings.

Application for Use by Review was filed and fees paid March 19, 2012. Application and Site Plan were sent to referral agencies on March 19, 2012.

Plans were sent to the following referral agencies: La Plata Electric Association, Upper Pine Fire Protection District, Source Gas, Town Engineer (Souder, Miller & Associates), Town Attorney Dirk Nelson, USA Communications, Century Link Communications, Bayfield Public Works, Bayfield Marshal's Office and Bayfield Building Inspector.

Responses received are as follows:

- 1) **La Plata Electric Association** - No comments received.
- 2) **Upper Pine Fire Protection District**
 - Sprinkler System inspection and review.
 - Fire Alarm System evaluation and update.
 - Dust production/mitigation.
 - Fire extinguisher placement and service.
 - Installation of a Knox Box.
 - Exit and emergency lighting evaluated and operational.
- 3) **Source Gas** - No comments received.
- 4) **Town Engineer (Souder, Miller & Associates)**
 - Parking adequate.
 - Environmental controls.
 - Floor drains locations.

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- Storm water runoff concerns.
- 5) Town Attorney** - No comments received
- 6) Bayfield Public Works**
 - Separate Services for units/lots.
 - Parking needs to be reviewed.
- 7) Bayfield Marshal's Office** - No comments received.
- 8) Building Official** - Compliance with code for change in occupancy.

Public Hearing was properly noticed in the Pine River Times Notice of Public Hearing was published in the Pine River Times on March 23, 2012 and March 30, 2012. Property owner provided certified mailing receipts verifying that property owners within 200 feet of the property were notified of Use by Review request and public hearing.

Application appears to be in conformance with applicable sections of the Town's Master Plan.

The property is zoned Business (B). The Business (B) Zoning District is intended to provide an area which allows the location of retail, office, service establishments and certain light industrial uses, where those uses are generally compatible with other allowed business uses, and which generate very low levels of noise, vibration, smoke odor, dust, fumes or danger of explosion or environmental contamination and other uses, subject to review, as set forth in the Use Table.

The Use Table identifies Light Industrial as a Use by Review in the Business (B) District.

Chris stated that the property tax for the property should remain fairly consistent but there is potential that it could generate additional tax based on the depreciated actual value on equipment used for manufacture. However, the business will not generate sales tax unless they sell and deliver to residents/businesses located within the Town of Bayfield.

The property currently has one inch (1") water tap serving the property. One inch (1") water tap should be sized adequately to meet that need and no increase in water tap or extension of line should be necessary, thus no additional water tap fee.

A separate and independent service line is required for each individual lot. The property currently has one sanitary sewer tap. Water will not be included in the manufacture, and therefore, staff anticipated very little impact to sanitary sewer system.

There was information from the Town Engineer referral regarding floor drains and concerns about sawdust and chemicals reaching the sanitary sewer system, thereby, potentially creating sanitary sewer problems. Chris explained that he will recommend a condition regarding this matter.

The Land Use Code requires one (1) parking space for each 800 square feet of gross floor area for manufacturing uses and one (1) parking space for each 400 square feet of gross floor area for office space.

Building area is 10,063 sq. ft. Assuming: 75% is manufacturing = 7,550 = 10 Parking Space and 25% office = 2,513 = 7 Parking Spaces

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The property currently has 36 paved parking spaces. Therefore, parking appears that it would be adequate; however, without a floor plan it is not possible to determine with certainty.

As identified in the Town Engineer comments, it appears when the building was originally constructed a storm water system was installed with underground storage facilities. According to a file copy of the site grading and drainage plan, the outlet to the underground tanks appears to be at approximately the same elevation as the intake to the tanks. Therefore, if this is the case and the tank is not pumped down between storms, the tank will be full at all times, assuming minimal evaporation losses. Any storm water runoff directed to the tanks would therefore pass through the tanks without detention and flow directly to the detention pond, which is not sized to handle the additional flow. The Town engineer suggests that one option might be for the property owner install pumps in the underground tanks to ensure the water is drained after every storm event.

The Town Engineer also commented on air pollution controls. The applicant has stated that the dust collection system that they currently use in their current location (Mancos) will move to the location. The applicant states that this is an engineered system for their specific business. It is a 30 horsepower cyclone that is connected to the stationary tools in the shop. It filters and returns air through a bagged phelum back into the building. There is no discharge to the outside, all heat and filtered air returns to the inside of the building. They have been inspected by OSHA and a CSU course study in the past, with no suggestions or penalties pertaining to dust or dust collection.

Chris recommended approval of the Use by Review for Lot 29, Bayfield Center Subdivision (AKA 442 Wolverine Dr.) for Woodworking business, with the requirement that the following conditions are met prior to the issuance of a Certificate of Occupancy:

- 1) The building plumbing shall be reviewed by the Public Works Director to ensure the floor drains are properly located or permanently blocked to prevent the discharge sawdust and chemicals into the sanitary sewer system.
- 2) Number of parking spaces shall be in accordance with the requirements of the Land Use Code for each designated use.
- 3) Project shall meet the requirements of the Upper Pine Fire District, including
 - Sprinkler System inspection and review.
 - Fire Alarm System evaluation and update.
 - Dust production/mitigation.
 - Fire extinguisher placement and service.
 - Installation of a Knox Box.
 - Exit and emergency lighting evaluated and operational.
- 4) Project shall comply with the Town of Bayfield Building Codes.
- 5) Property Owner(s) shall install pump(s) to drain the underground storage tanks to ensure that they have available capacity to store water from storm events. The Town shall review the pump flow rate and float design to ensure that the pump(s) are appropriate for the intended use.

The floor was given to the applicant, Ed Mooney.

Ed stated that he is with La Plata Millworks which is a cabinet, door and molding manufacturing business. He stated that they are very excited about moving to Bayfield from Mancos where they are currently located. They have 10 employees that work for the company and they plan to be very involved in the Bayfield community

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when they move. He stated that this location is perfectly suited for what they need and it is much nicer structure than the building they are renting now in Mancos.

Joe asked if they use any noxious materials. He was also concerned about how they dispose of these items.

Ed answered that they mostly do natural finishes on their products such as tung oil, turpentine, beeswax, etc. However, they do use some varnishes & lacquers sometimes. They generally don't have a lot of left over material that has to be disposed off but their policy is that they allow the product to solidify and then throw it away. Solvents for cleaning guns are recycled. He explained that they never pour any type of chemicals down the drain.

Michelle asked if they have a spray booth

Ed answered that they do have a spray booth at the current location and they plan to move it to Bayfield.

Joe asked if they will be using the entire building.

Ed answered that they will be utilizing the entire lower level for manufacturing. There is office space located in the upstairs area.

Joe asked about loading/unloading.

Ed responded that they will be utilizing the loading decks for deliveries & product being picked up. They only get one semi-truck a week of unfinished products and then they will have deliveries out randomly when necessary.

Michelle asked about hours of operation.

Ed answered that they generally work 6:00 a.m. – 4:30 p.m. Monday – Friday. They do not work on the weekends.

Joe asked if the applicants have an issue with the staff recommendation regarding draining the storage tanks.

Ed answered that they are aware of the issue and they are prepared to take care of it.

Joe asked if the applicant plan to buy the property.

Ed answered that they are going to buy rather than rent.

Pat asked if they are going to keep their 10 current employees.

Ed answered that they are going to keep their current employees. However, the work load does sometimes get large enough that they could need up to 15 employees during a peak season.

The item was opened for public comment.

Ron Dunavant with First National Bank of Durango (351 Bayfield Center Drive) stated that the bank did have some concerns when they first heard about the proposal. However, Ron had a good conversation with Ed about how this business handles those things and was very impressed with their business plan. The bank does not believe it will affect the bank and they are excited about having a good neighbor and bringing employment to the Town.

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Mike Pacha (457 Wolverine Drive) stated that he is very excited about someone moving into that location. They are also happy that it is bringing people into Bayfield to work because it is possible that they will buy houses and spend money in the Town. He requested that the Town approve the application.

Sebastian with Keller Williams Real Estate (No address given) stated that there is not a lot of commercial business available in this economic time. He expressed that he thinks it's a blessing that this business is interested in moving to Bayfield and encouraged the Board to approve the request.

No additional public comment was offered so it was closed.

Public Hearing: Third Amendment To Fox Farm Village PUD

Chris gave his staff report. He stated that Reid Ross, representing the La Plata County Community Development Corporation (CDC), a non-profit organization and owner of Lot 2 & 3, Fox Farm Village is requesting amendment to the PUD, to change the zoning on Lots 2 & 3 from Single Family to Multi-Family and Subdivide the Lots into smaller parcels for multi-family use.

He explained that the request is to amend the Fox Farm Village PUD Plat to rezone Lots 2 & 3 from single family to multi-family and to subdivide Lot 2 into four (4) separate parcels, and Lot 3 into three (3) separate parcels.

The application is being processed as a small subdivision, and therefore, the Planning Commission is recommending approval of a Preliminary Plat, which if approved, will then go before the Board of Trustees as a Final Plat.

The application for rezone was filed and fees paid March 15, 2012. Application and Site Plan were sent to referral agencies on March 19, 2012.

The plans were sent to the following referral agencies: La Plata Electric Association, Upper Pine Fire Protection District, School District 10JTR, Source Gas, Town Engineer (Souder, Miller & Associates), Town Attorney Dirk Nelson, USA Communications, CenturyLink Communications, Bayfield Public Works Director, Bayfield Marshal's Office, and Bayfield Building Inspector.

Responses received are as follows:

9) La Plata Electric Association - No comments received.

10) Upper Pine Fire Protection District - Narrow road width and multi-family dwellings it is imperative that Fire District has unrestricted access.

11) School District 10JTR – No comments received.

12) Source Gas – No comments received.

13) Town Engineer (Souder, Miller & Associates)

- Issues with parking for Lot 3 and no plan for Lot 2.
- Evaluation of the storm water impacts from the proposed zoning changes by the developer's engineer.
- Shared access with Lot 1 & 2.

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14) Town Attorney

- Question as to whether the lots will be sold as fair market lots or as price restricted lots under the general conditions of the Fox Farm Development. The amendment creates footprints for building similar to the other lots in the development, which creates common element or limited common elements outside the footprints. Even though the applicant states that no changes to the Covenants or other parts of the plat are required, the detail of that common element must be defined and labeled appropriately on the amended plat. If it is to fall under the existing covenants and declarations, then that must be clarified, and if it is not, then they need to submit new documents to clear up that issue.
- Conditions regarding affordability that were originally imposed on these lots should remain in force.
- Easements or access is required to get utilities to these structures. Should be detailed on any amended PUD plat.

15) USA Communications – No comments received.

16) CenturyLink Communications – No comments received.

17) Bayfield Public Works

- Water and Sewer Taps need to be installed for each unit. Each unit required to have separate water/sewer taps.
- Parking will be an issue.

18) Bayfield Marshal's Office - No comments received.

19) Building Official - No comments received.

Application appears to be in conformance with applicable sections of the Town's Master Plan.

The request is to amend the Planned Unit Development (PUD) to re-designate two single family lots to multi-family within the Fox Farm Village PUD.

The PUD district is intended to preserve open space and to protect and enhance the unusual, important or unique environmental, cultural or scenic assets of Bayfield. Such assets include, but are not limited to, landforms, vegetation, drainage courses, neighborhood character, cultural resources and scenic views. The PUD district provides flexibility in the siting of structures and the development of sites to preserve these assets.

The PUD district permit modifications of construction and design standards in order to obtain a unified design that will benefit the community and protect, preserve or enhance an important community feature.

The Town may prescribe any conditions it deems necessary upon issuing an improvement or use permit within the PUD district to result in the intent and purpose of the PUD district. Such conditions may also be imposed in order to mitigate any adverse impact upon the affected resource and may be enforced by requiring the applicant to post a bond, cash or acceptable letter of credit sufficient to assure that required mitigation will occur within a specified time period.

Design and construction of the PUD will include adequate, safe and convenient arrangements for pedestrian circulation, roadways, driveways, off street parking, and loading space.

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As-builds indicate that each property currently has a service line extended to the property. Each unit will need a separate service line. The Plant Investment fee (PIF) for each tap is \$4,445, with secondary irrigation system.

Additionally, the water line which will likely include road cuts in Fox Farm Circle for Lot 3. Lot 2 would likely receive service from back of lot.

As-builds indicate one sewer service line across Fox Farm Circle to Lot 3. A separate and independent service line is required for each individual unit. As-builds indicate no sanitary sewer service line to Lot 2. The Plant Investment fee (PIF) for each tap is \$6,000.

Additionally, the sewer line will likely include road cuts in Fox Farm Circle for Lot 3 and Mars Road for Lot 2.

Fee for park impact fee of \$408 per unit does not apply to Fox Farm Village; however, if they decide not to restrict, should apply.

Mars Road is classified as a collector street in the Town's transportation plan. Lot 2 will likely need to access this road. Lot 3 will gain access from Fox Farm Circle.

Lot 2 is located near the intersection of Mars Road and Fox Farm Circle. The corner sight distance for local and collector roads is a minimum 200 feet.

The proposed layout complies with this requirement.

Sidewalks will be required on both sides of all streets unless alternative pedestrian pathways are provided as part of the development plan.

Paved parking lots and additional roof structures from additional units will likely increase the imperviousness of the site. All storm drainage systems components shall be designed in accordance with the standards, policies, and criteria of the Town storm drainage plan.

The Land Use Code requires two and one-half (2.5) parking space for each multi-family dwelling unit on the same lot as dwelling. Each off-street parking space will have an area of not less than 180 square feet, exclusive of drives or aisles. Dimensions shall include a width not less than nine feet (9') and a depth of not less than twenty feet (20'). Each space will be provided with ingress and egress. Off-street parking shall be paved.

Chris recommended approval of the Preliminary Plat for the Third Amendment to the Fox Farm Village PUD with the stipulation that the PUD Final Plat presented to the Board of Trustees include:

- 1) The extension of the asphalt pathway from the sidewalk on Fox Farm Circle to the Pedestrian Pathway on the west side of Lot 2.
- 2) Plat shall depict off-street parking consistent with the parking requirements of the Town of Bayfield Land Use Code.
- 3) Strike Note # 3 on the Second Amendment to the Fox Farm Village PUD Plat and replace language with Lots 1, 4 through 8 are to be sold as Single Family Residence.
- 4) Number multifamily lots consistent with current numbering. Multi-family lots replacing Lot 3 shall be numbered 51A, 52A, 53A. Multi-family lots replacing Lot 2 shall be numbered 54A, 55A, 56A, 57A.

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- 5) An additional note on the Plat reading: Lighting for street and parking lots shall comply with the requirements of the Town of Bayfield Land Used Code.
- 6) Specify the Limited Common Elements (LCE) and General Common Elements (GCE) for Lots 2 & 3.
- 7) Amend the Declaration and Covenants and Restrictions to include Lots 2 & 3.
- 8) Evaluation of the storm water impacts from the proposed zoning changes by the developer's engineer, and review by Town Engineer.

The floor was given to the applicant. Dean Brookie (Brookie Architecture & Planning), Reid Ross (CDC Managing Partner) & Doug Wallace (Habitat For Humanity President Of The Board).

Dean stated that he has been involved with this project since its inception. Habitat for Humanity is interested in purchasing this property to build homes for their applicants. They plan to put in a triplex unit on this lot. They agree with the staff recommendation #1. However, they are unable to meet the requirements for parking outlined in staff recommendation #2 for Lot 3 so they would like to be able to use a surplus of parking spaces available throughout the subdivision to meet that requirements. Lot 2 will be able to provide 2.5 spaces per unit. However, they don't feel that this should be a requirement in this subdivision because most of the residents do not have more than 2 vehicles.

They would like the designation changed from "affordable" to "attainable" because it allows people with slightly higher incomes to purchase those homes on both of the lots. They still will not be market rate though.

Dean stated that they agree with the other recommendations outlined by staff.

The item was opened to public comment.

Kim Welte with Housing Solutions stated that they currently own 14 lots in the subdivision. They are all vacant due to the economy. Housing Solutions does have some concerns with this proposal to rezone additional lots from single-family to multi-family. They are concerned that creating more lots will affect existing property values. The project has a very high density and they are not in favor of increasing that anymore. They feel that if the development was completely built out, it might be appropriate to make this request but since there are 22 available lots still available, they don't feel it makes sense at this time.

Doug explained that Habitat for Humanity only has 1 lot left that they can build on. If they are unable to attain additional lots, they won't be able to build in Bayfield anymore. If they are able to make this work, they plan to build 3 units next year and 4 units the following year. The Housing Solution lots are all duplex lots so they would be unable to put in triplexes.

Carol Blatnick (BEEP) stated that the Bayfield Early Education Program is a very busy place in the morning but they don't see any problem that this will cause any issues for their center, especially if they plan for 1 drive and the other lot doesn't face the building. She is delighted to hear that they will be connecting the trails & sidewalks because that is used a lot by the patron of the center.

Reid Ross stated that they hope that this change will provide the early learning system with more families. They do not feel that increasing by 4 families will cause a major traffic or parking problem and they think that it will be a benefit to the Town.

Daniel Solutha, the acting president of the Fox Farm Home Owners Association stated that they think it's a good opportunity for the subdivision to continue their growth. There are a lot of empty lots and they are encouraged

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that this will get more families into the subdivision. The HOA is really struggling at this point because of the slow build out and they are excited about the additional residents that this will bring.

Chris mentioned that the Town also received a letter from James Kline, a resident of Fox Farm Village expressing opposition to the application.

No additional public comment was offered so it was closed.

Action Agenda #1: Consideration of Use By Review – 442 Wolverine Drive

Michelle stated that she thinks it should be approved with the staff recommendations. However, she expressed concern about ventilation on the building and making sure that there is a filtration system for vapors.

Joe concurred. He also asked if the exterior of the building will change.

Ed responded that they do not have any plans to change the exterior of the building other than possible landscaping.

James made a motion to approve the Use By Review for Lot 29 of the Bayfield Center Subdivision (442 Wolverine Drive) subject to staff recommendations 1-5. Pat seconded the motion.

Michelle requested that an additional recommendation be added to the motion regarding adequate ventilation for the vapors from the spray booth.

It was determined that the motion did not have to be amended because the requirement for the ventilation will be addressed during the remodel of the business through the International Building Code.

Joe stated that he is all for allowing a business that will bring jobs into Bayfield.

All voted in favor of the motion so it passed unanimously.

Joe asked when they plan to open.

Ed answered that they hope to open by June 1st.

Action Agenda Item #2: Consideration of Third Amendment To Fox Farm Village PUD

Joe expressed concern about the comment from the Upper Pine Fire District regarding the narrow road width on Fox Farm Circle. He asked if it will be possible to achieve the requirements needed from the district.

Chris answered that if the Planning Commission recommended limiting one access off of Lot 3, it will meet the unrestricted access obligation.

James asked if these lots will be included in the Declaration of Covenants.

Chris answered that the single-family homes (Lots 1-7) were removed from the covenants in the 1st amendment to the covenants. Staff recommends that if these lots are zoned multi-family and given the "attainable" designation, they need to be added back into the covenants.

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Joe asked if this area will be the densest subdivision in the Town.

Chris answered that it is one of the more dense areas in Town by design of the Planned Unit Development.

Michelle expressed that she is fine with the design on Lot 3. However, she is concerned about parking on Lot 2 and the access onto Mars Drive.

Dean answered that there will be three driveways coming off of Mars Drive. They plan to do 2 car garages and the driveway in order to meet the 2.5 parking space requirement. He also stated that Lot 3 would be an opportunity to build a mix of uses that might be needed by applicants that are trying to get qualified for one of the affordable/attainable homes.

It was asked why they are not trying to obtain & develop the lots that are currently owned by Housing Solutions.

He answered that they would like to cooperate with Housing Solutions for development of their lots in the future but it just isn't possible at this time due to Habitat for Humanity building requirements.

It was asked about drainage on the property.

Dean answered that they do not plan to build outside of the predetermined building envelopes that have already been approved by the Town Board & Planning Commission. Their engineer has stated that as long as they stay within the building envelope it will not adversely affect the drainage system for the subdivision.

Chris asked that the developer get a letter from their engineer regarding the impact on the drainage system.

Reid answered that they will provide a letter from the engineer.

Dean expressed that he feels that this is an appropriate time to request this type of change because it won't affect the property owner that is adjacent to the property. (The previous owner was adamant that the property be zoned single-family because he was planned to build a single-family subdivision on the adjacent property. That property has now been sold and is the location of the Bayfield Early Education Program).

Pat asked why Habitat doesn't try to obtain the 8 lots that are still vacant in the subdivision that do not anticipate garages.

Doug answered that Habitat doesn't own any of those 8 lots and they have been unable to get into contact with the owner (Colorado Housing Inc).

Pat commented that there are a lot of vacant lots still available in the subdivision and it seems unnecessary to add additional lots when it's not built-out.

Michelle stated that she feels that the request for Lot 3 fits into the current subdivision but she is not as comfortable with the request for Lot 2. She stated that she is very concerned about the access onto Mars Drive.

Reid Ross responded that it's not going to add additional traffic. He stated that it might be possible to do only one access onto the road if that would be a better solution.

Michelle stated that it is more access points and it doesn't really fit in with what is currently there. Plus it was originally designed to be single-family in that area.

Reid commented that the lots will not sell as single-family.

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Dean asked if it might be possible to have a conditional requirement that states that the single point of access to serve as many as 3 units on lot 2 configuration be submitted at a later date. This will give them time to come up with a site plan that will be acceptable to the staff & Town Board.

James made a motion to recommend approval of the Preliminary Plat for the Third Amendment to the Fox Farm Village PUD subject to staff recommendation 1-8. Additionally, Lot 3 shall include three (3) on-site parking spaces, and shall be entitled to utilize excess parking spaces within the Fox Farm Village Subdivision, as credit for remaining parking requirement (5 spaces), the Town shall receive letter from an engineer that the drainage is adequate, and Lot 2 shall be changed from a four-plex to a tri-plex, with the parking arrangement to be determined. Pat seconded the motion.

All were in favor so the motion passed unanimously.

Action Agenda Item #3: New/Unfinished Business

Marianne introduced Kathleen Cathcart, the New Deputy Town Clerk and Clerk to the Planning Commission.

Joe mentioned that Boulder, CO is dealing with the temporary food shack issue and he stated that it might be useful to get their information/regulations for consideration of the new ordinance.

Chris answered that he will look into that (along with other communities that are developing these types of regulations) and will try to bring a draft ordinance to the next meeting.

Joe made a motion to adjourn the meeting. Pat seconded the motion. All were in favor, so the motion passed unanimously.

Minutes were approved as submitted on May 8th, 2012

Approved:

Michelle Nelson
Chairman

Marianne Jones
Town Clerk