



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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### Planning Board Minutes- DRAFT

Wednesday, March 23, 2016

7:00pm @ Community Development Department

#### Call to Order/Attendance/Pledge of Allegiance

##### Attendance:

**Kristi St. Laurent, Vice Chair- excused**

**Gabe Toubia, alternate (seated for Kristi St. Laurent)-present**

**Dan Guttman-present**

**Margaret Crisler-present**

**Paul Gosselin, Chairman-present**

**Kathleen DiFrusia, alternate (seated for Alan Carpenter) -present**

**Ruth Ellen Post-present**

**Matt Rounds-excused**

**Alan Carpenter-excused**

**Ross McLeod (seated for Joel DeSilets)-present (left at 8:30pm)**

**Joel DeSilets-present (seated for Ross McLeod at 8:30pm)**

**The meeting was called to order at 7:00pm.**

#### Rules of Procedure Public Hearing

Per NH RSA 675:1 notice is hereby given that the Windham Planning Board will hold a public hearing to adopt amendments to "Windham Planning Board Rules of Procedure". Changes included modifications to waiver provision; Roles and Responsibilities; administrative measures; procedural measures, clarification on how a vote is taken on citizen petitions; Standards of Conduct, and grammatical edits.

#### Section 2.3

In regards to the language in this section, Mr. Guttman did not think the term ends; he disagreed that there was a termination to that term.

Mr. Crisler stated that you are a new person once your term begins again. Take out "upon election and" was suggested. A term in office shall begin when the Board member is sworn in.

Ms. DiFrusia discussed a scenario where there was an appointment instead of an election. "Replacement" refer to a person who has vacated a term early; Mr. DeSilets agreed with his statement.

Ms. Post suggested a simplification of language and change to the proposed editing on 2.3.

**A motion was made by Mr. McLeod to Ross to edit Section 2.3 as presented. Seconded by Mr. Guttman.**

**Vote 5-2.**

**Opposed: Toubia and Post. In favor: Guttman, Crisler, Gosselin, DiFrusia, McLeod.**

#### **Section 4.4**

Mr. McLeod discussed proper notice to the public

Sometimes, the meeting is moved because there is a large number of people expected.

A notice is put on the door to communicate to the public that the meeting has been changed.

Ms. Scott stated that if staff knows in advance, they will be sure to properly post in the notice for the public. Staff also communicates with the Chair to let them be aware of the change.

**A motion was made by Mr. McLeod to amend Section 4.4. Seconded by Ms. DiFrusia.**

**Vote 7-0.**

**Motion passes.**

Ms. Crisler asked for clarification regarding Section 3.3.

Mr. Guttman asked why 5.14 was being removed. Mr. McLeod stated that 5.11 covered the topic brought up in 5.14. Ms. DiFrusia does not think anything is lost by leaving the language of 5.14 in the Rules of Procedure.

**A motion was made by Mr. Guttman to re-establish 5.14. Seconded by Ms. DiFrusia.**

**Vote 3-4**

**In favor: Guttman, Post, DiFrusia**

**Opposed, Toubia, Gosselin, Crisler, McLeod**

**Motion does not pass.**

#### **Section 5.10**

**A motion was made by Ms. Crisler to reverse the sentences. Mr. Guttman seconded for the sake of discussion.**

Mr. McLeod stated that this was redundant and obvious. Mr. DeSilets brought up whether or not any of these points would impact discussions outside the meeting.

**Motion withdrawn. Second withdrawn.**

**A motion was made by Ms. Post to amend 5.10 as presented. Seconded by Mr. McLeod.**

**Vote 7-0.**

**Motion passes.**

### **Section 9.3**

Ms. Crisler proposed making another section regarding a conflicted Board member. Mr. DeSilets brought up the issue of what a “conflict of interest” is and what that means. Mr. Toubia suggested that the section include “stronger language”.

**A motion was made by Mr. Guttman to add the word “conflicted” before “Board member” in the last sentence of Section 9.3. Seconded by Mr. McLeod.**

Mr. Desilets suggested the language “A board member who recognizes they have a conflict of interest” as a way to further clarify.

**Mr. Guttman’s motion was withdrawn. Mr. McLeod’s second withdrawn.**

**A motion to strike the last sentence of the section was made by Ms. Post. Seconded by Mr. McLeod. Vote 7-0.**

**Motion passes.**

### **Section 9.7**

Ms. Crisler asked for clarification of language.

### **Section 10.6**

The “land use” language would bar members of other land use boards.

### **Section 8.3 and 8.4**

Ms. St. Laurent’s email was read to make proposed changes to Sections 8.3 and 8.4. There was discussion of how the language appeared on the ballot and whether or not the way it was presented was confusing for the citizens. Ms. DiFrusia stated that the language itself was sometimes confusing for the citizens.

Mr. DeSilets discussed how it is difficult to read into the “spirit and intent” of how the voters vote.

Mr. McLeod discussed the vote tally and how that might appear on the ballot in relation to whether or not a warrant article is recommended by the Planning Board.

Mr. Guttman stated that Attorney Campbell had advised the Board to include the numerical voting if the Board’s recommendations on the ballot.

Mr. Toubia suggested writing “Recommended” or “Not recommended” at the end.

Mr. DeSilets does not agree with Mr. Guttman that there was “obfuscation”.

Ms. DiFrusia spoke to the “confusing” language in the Citizen’s petition on “clean water”. She also agrees with the language Mr. Toubia recommended.

Mr. Gosselin does think the numbers of how the members voted for a warrant article is helpful for citizens. Mr. Gosselin also stated that this language may eventually be sent to legal counsel.

**A motion was made by Mr. Guttman to move forward with the change in language proposed by Vice Chair St. Laurent via email to add and amend Sections 8.3 and 8.4. Seconded by Ms. Post for discussion.**

Ms. Post stated that if the Board votes to not recommend an article, the ballot should clearly state that.

(The minute taker excused herself at this time.)

Mr. DeSilets stated there was a chance that some citizens were confused by the language, but the Board cannot presume the public did not know what they are doing.

Mr. Toubia reiterated his statements regarding the numerical placement of the Board’s votes on the ballot.

Mr. Gosselin asked for the motion to be amended.

Mr. DeSilets suggested to put the word “Not” in bold on the ballot to make it clear to citizens.

**Mr. Guttman’s motion was withdrawn.**

**Mr. McLeod made a motion to approve 8.4 amended language as presented in the Rules and Procedure Draft except for the capitalization and bold of the word “Not” on the ballot. Seconded by Ms. Crisler.**

Ms. Crisler asked that the ballots be done on white paper. Yet, the Board had little control over that.

Ms. DiFrusia stated that the numbers of the Board’s vote could be confusing to the public.

**Vote 5-2.**

**Motion carries.**

**Mr. Toubia and Mr. Guttman opposed.**

**A motion was made by Mr. McLeod to adopt the Rules and Procedures as amended. Seconded by Ms. DiFrusia.**

**The discussion was open to the public at this time.**

**Vote 5-2.**

**Motion carries.**

**Mr. Toubia and Mr. Guttman opposed.**

Mr. Guttman opposed two items.

Mr. Toubia opposed the language used on the Citizen's Petition.

Ms. Post thanked Mr. Gosselin for his handling of his first meeting as chair

**Mr. McLeod excused himself at 8:27pm. Mr. DeSilets will now be seated for him.**

### **2016-2017 Strategic Planning**

- Master Plan Discussion

Funding was not received for the Master Plan. Ms. Scott stated that she listed all 8 recommendations even though some of them are not a desirable option for many of the Board members. Ms. Scott stated that she hopes the Board can have a discussion and steer the sub committees in a certain direction.

Mr. Guttman asked about the primary difference between Option 6 and 8. He further stated that most communities have sought to have implementation chapters. Initially, the Selectmen did not allow funding for the Master Plan. This time, it was the voters who voted to not approve the funding. This point was clarified upon further discussion by the Board.

Mr. Desilets supports Option 7.

Ms. DiFrusia supports Option 8. The land use chapter was particularly important. Additionally, financing for 2017 was also mentioned.

Ms. Crisler stated that the 2005 Master Plan as a good starting point. There are staff members in many departments perhaps willing to contribute to the project on a subcommittee. She stated that Option 7 would be fine as funding may not be necessary.

Mr. Gosselin would like to poll the Board to get consensus.

Mr. Guttman would support Option 8 as it leaves the potential request for funding.

Ms. Post was disappointed that the Selectmen changed their vote of support for the warrant article. Public input gives great credibility to get the public interested and invested in the Master Plan. The Visions and Goals was also mentioned as a way to introduce what the document will contain, a preface of sorts.

Mr. Toubia is interested in Option 8.

Mr. Gosselin took the time to explain logistically when task items are put on the Planning Board agenda. Also, he likes Option 8 the best.

He believes that Option 8 is the preferred Option of the Board.

Mr. DeSilets would like to switch his vote to 8 rather than 7.

**Ms. Crisler made a motion to adopt Option 8 with the understanding that the Board will make a decision later in the year as to whether or not the Board will ask for funding. The Board will seek additional funding as needed from the operating budget as needed for outreach. Seconded by Ms. Post.**

Discussion was invited.

Mr. Desilets stated he would not support the invitation of funding as the public has most recently spoken that they will not financially support the Master Plan funding.

Ms. Scott asked what kind of money would be needed in relation to the motion. Ms. Crisler did clarify that she did not envision this money would be significant.

Mr. Guttman stated he would not support the motion.

Mr. Gosselin stated that he would support asking the voters for money on the 2017 budget.

Mr. Toubia asked about college interns and if that were a way to help develop the Master Plan with different resources.

Ms. DiFrusia reiterated her support of Option 8 which does not close the door to resources in town to help with the project.

Ms. Post stated that the public's vote is being respected; a consultant would not be used.

**Vote 7-0.**

**Motion passes.**

The Board agreed that the Demographics Chapter would be done in April.

Mr. DeSilets does not intend to seek reelection to the Board of Selectmen. He announced this in relation to this chapter as he had taken responsibility for this chapter. School enrollment numbers are also some of the data Mr. DeSilets is waiting on from Mr. Steel.

Ms. Scott suggested re-contacting the individuals that had been put on notice to assist in certain chapters.

- Proactive Work Items

The Board is still interested in researching recreational impact fees. Mr. Guttman also spoke to this. Mr. DeSilets would support looking at this this year.

Ms. Scott went through the itemized list to explain why these items were on the list.

**The Board went through the list to decide which of these items would be important for the Board this year.**

**Recreation impact fees- yes**

**Annual impact fee-yes**

**Design regulations-yes**

**Master Plan-yes**

**Road lay out-yes**

**Vision planning Route 111-yes**

**SNHPC-yes**

**Joint meeting and legal meetings-yes**

- 2017 Town Meeting List – Preliminary Review Potential Items

Mr. Gosselin asked if there were items in our list that were consistently being waived. Mr. Gregory addressed the Board. Most of the waivers were related to small lots, especially along ponds. Also, building within the WWPD was also mentioned.

Mr. Guttman asked about statistics from previous years. Is there a way to compare 2015 to previous years? Ms. Scott stated that staff made no judgement call regarding whether the variances were good or bad, nor did they gather information from previous years; they were not asked to.

Mr. Gosselin asked the Board if they wanted to change any of the items or did they think the item list was working as intended?

Ms. DiFrusia was thankful for the gathering of the data and would like some time to analyze it.

Mr. DeSilets mentioned the WWPD markers. Perhaps these could be looked at by the Board.

**The Board went through the list to decide which of these items would be important for the Board this year.**

**Citizen's Petition #1-yes**

Ms. DiFrusia spoke to this petition.

Mr. DeSilets asked about Ms. Scott's email to Mr. Campbell regarding when and if the petition could be undone or repealed.

Mr. Gosselin spoke to the voters' decision. The article was approved and the Board is interested in respecting their vote.

Ms. DiFrusia spoke to the idea that voters may vote a petition in that is not possible to uphold. For example, in this case, how can you prove that the water is clean before it enters into the recharge system?

Mr. DeSilets highlighted Ms. DiFrusia's idea regarding "What is clean?" in regards to rain.

Mr. DeSilets stated it was important to post the discussion and invite the public to be involved.

**Ms. DiFrusia made a motion to request the Board of Selectmen to have a special town meeting to address the topic of the Citizen's Petition. Seconded by Ms. Crisler.**

Ms. Post stated that the Planning Board voted unanimously to not support the Citizen's Petition. She is supporting the motion for that reason.

Mr. DeSilets said he would be abstaining from this vote.

Mr. Gosselin stated he would not support this motion as the voters have made their decision and he is in support of their vote.

Mr. Guttman stated that the vote by the voters was not strongly FOR the petition, hence, he would support the motion.

Ms. DiFrusia stated that the supporters of the Citizen's Petition never came before the Board to present the petition. She also asked that Ms. Scott contact Attorney Campbell to clarify the process to request a town meeting from the selectmen.

**Vote 4-2-1.**

**Opposed: Gosselin and Toubia.**

**Abstained: Mr. DeSilets.**

**In favor: DiFrusia, Crisler, Post, Guttman**

**Motion passes.**

Ms. Scott stated that there have been times when voters have been opposed to a petition and staff have spent time on those topics even after the voters have decided.

### **Vernal Pools**

Mr. Gosselin suggested that the Board wait on this topic until the state releases its new regulations.

Ms. Crisler would like to take off Building Heights from the list. The Board, as a whole, is not interested in hearing it this year.

### **Growth Management**

Ms. Crisler would like to see this discussed with the School Board. Mr. DeSilets does not see a need to address such an ordinance. It has been left on the list as a non-priority.

Mr. Toubia would like to see items 1(Buffer Screening), 2 (Watershed) and 4 (Density Bonus) from the list. The Board will not be looking at 2C per consensus. The Board would like to look at 4. However, number 4 can be narrowed down quite a bit. Ms. Post would rather spend time on the Master Plan. Mr.

Gosselin stated that these three would be the priority for the Board in the approximate 11 meetings they have this year to discuss these topics.

- 2016 Meeting Schedule

Public Hearings will be the 1<sup>st</sup> and the 3<sup>rd</sup> Wednesdays. Workshops will be on the 2<sup>nd</sup> Wednesdays.

**Meeting Minutes – Discussion of content, format, etc.**

Ms. Scott invited the Board to comment on what content should be in the minutes. Ms. Whitford will be in attendance next week for the discussion.

Joanne Welch's email was read into the record. The email was in regards to the legal terminology presented on the ballot. She would like to see the language "recommended" onto the ballot.

**Mr. DeSilets made a motion to adjourn at 10:10pm. Seconded by Ms. Crisler. Vote 7-0. Motion passes.**

**Next Meetings:**

**March 30<sup>th</sup>**

**April 6<sup>th</sup>**

**April 20<sup>th</sup>**