



*OLD VALUES - NEW HORIZONS*  
**PLANNING AND DEVELOPMENT**

PO Box 120, Windham, New Hampshire 03087  
(603) 432-3806 / Fax (603) 432-7362  
[www.WindhamNewHampshire.com](http://www.WindhamNewHampshire.com)

**Planning Board Minutes**  
**3/17/10**

**Roll Call:**

Phil LoChiatto, Chairman – Present  
Nancy Prendergast– Present  
Ruth-Ellen Post, Member – Present  
Kristi St. Laurent– Present  
Bruce Breton, Selectman Member – Present

Rick Okerman, Vice Chairman – Present  
Pam Skinner, Member – Present  
Sy Wrenn, Alternate –Arrived@7:06 PM  
Louis Hersch, Alternate – Excused  
Ross McLeod, Selectmen Alternate - Excused

**Staff:**

Laura Scott, Community Development Director – Present  
Elizabeth Wood, Community Planner – Present  
Tracey Mulder, Planning Assistant - Excused

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

The meeting was called to order by Chairman LoChiatto at 7:05 pm, followed by the Pledge of Allegiance.

Ms. Post was re-elected on 3/9/10 to serve another term as a Planning Board member. She was sworn in as a Planning Board Member at 7:05 pm by Selectmen Breton.

Chairman LoChiatto expressed an appreciation to former Planning Board member Mr. Kolodziej for his 11 years of service to the Planning Board.

**Community Technical Assistance Program (CTAP)**

CTAP Build-out Analysis-Final Presentation

Mr. Pruyne from the Rockingham Planning Commission presented this item. Only a few minor changes were made to the buildout maps from the last public presentation to the Board. The parcel data for the Spruce Pond II subdivision was added to the Buildout and this change added 100 units to the existing housing units count.

Mr. Pruyne said that the document being presented to the Planning Board Packets is the final CTAP Buildout Analysis Report. The Planning Board may now make a decision as to how to use the document.

Chairman LoChiatto noted that a few paragraphs of text language had been on each of the maps was now included in the text of the report. He said that this is the first time that he had seen this information integrated into the material. Previous drafts of the buildout had not included this language.

Mr. Pruyne said that the text language is taken from what he told the Planning Board while presenting the CTAP Buildout Analysis at the public meetings prior to this final presentation. This information was presented in draft forms at 6 separate public meetings. Some of the text language comes from the maps and some is standard language that all buildout reports from the region will have in them.

Mr. Pruyne said that he does not think a formal public hearing on this final CTAP Buildout Analysis Report is necessary because the CTAP Buildout Analysis is not part of the Master Plan. It is a planning tool that the Planning Board can use. At this stage, editing suggestions are welcome on the text; however the final buildout analysis has been completed.

Ms. Scott mentioned that a deadline needs to be established for any editing suggestions from the Planning Board Members in order to assist Mr. Pruyne in finishing this project.

Mr. LoChiatto set a deadline of 3/31/10 for Board Members to submit final edits.

Mr. LoChiatto suggested that an edit be made to a foot note on page 15.

Mr. Wrenn pointed out a correction to the number of housing units on one of the diagrams.

Mr. Pruyne says that he will make the edits as suggested by Mr. LoChiatto and Mr. Wrenn.

The Planning Board agreed to email their editing suggestions to Ms. Scott by the end of the day on March 31<sup>st</sup> and she will forward all of the suggestions to Mr. Pruyne on April 1st.

Mr. Pruyne said that this Buildout Analysis is one tool of many to help the Town plan for zoning changes. He said that the maps are a tool to be used with caution. They are meant to be used as a guide for zoning changes and not intended to be used as a mandate as to what the Town shall or shall not do.

Chairman LoChiatto mentioned that the Analysis was completed using computer modeling. He asked Mr. Pruyne how the program is to be interpreted without using any human calculations. Mr. Pruyne said that the hope is that this model is based on defensible science.

#### CTAP Year 2 Grant Application

Ms. Scott presented this item. She referred to a handout that was provided to the Board that detailed Windham's "Local Governmental Funding Request for CTAP Targeted Local Government Accounts".

She overviewed the Project Description for the Planning Board and for the public. The proposal is to fund (4) four project initiatives that would otherwise not be undertaken by the community if not for CTAP funds. The projects being proposed are as follows:

1. Development of a Community/Economic Development website in the amount of \$5,500
2. Development of Town marketing material that can be used for outreach to businesses interested in relocating to Windham in the amount of \$2,000
3. Development and distribution of a more in-depth community survey on community development to landowners in the amount of \$2,000; and
4. Final payment to the Northeastern for October 2008 CURP survey in the amount of \$500.

Ms. Prendergast asked Ms. Scott to specify what the \$5,500, designated for the website, will be spent on.

Ms. Scott said that the funding covers the design and development of a website. There will be additional costs in subsequent years for website maintenance and these funds will be budgeted for in the Community Development Budget.

Ms. Post said that a website would be great for the Town's economic development. She said that she fully supports this initiative. She asked as to what marketing materials will be created with the grant money.

Ms. Scott said that the website and other materials must market the community correctly. The grant money will be used to create tri-fold brochures, a non-profit directory, magnets, and labels.

Ms. Post said that it is necessary to gain a buy-in from the community, which is why the expanded community survey is being included in this grant application. She said that we need to know what type of businesses Windham residents would patronize.

Chairman Lochiatto opened this item to public discussion at 7:37 pm.

Mr. Schultz, resident, said that he supports the creation of the website.

Mr. Breton mentioned that all Public meetings covered by the local cable are now available "On Demand" on the Cable Website.

Chairman Lochiatto said that the cable staff has worked very hard to provide this service.

Selectmen Breton said that the website is [www.wctv21.com](http://www.wctv21.com) . On the website it is possible to watch public hearings of your choice.

Chairman LoChiatto thanked Selectmen Breton for bringing this point up.

**Ms. Post made a motion to support the Community Development Departments submittal of the Grant Funding application. Motion seconded by Ms. Skinner. The motion passed 7-0.**

#### Open Space Task Force Plan Public Hearing

Public Hearing to adopt the CTAP Open Space Task Force Plan, which was developed as part of the I-93 Community Technical Assistance Program and is administered by the NH DOT, with assistance from the Rockingham Planning Commission. An Open Space Task force was appointed by the Board of Selectman and, as a result of the planning process completed by the Windham Open Space Task Force. The Open Space Plan will serve as a guide for future open space planning and land protection in the Town.

Ms. LaBranche from the Rockingham Planning Commission presented this item to the Board. Ms. LaBranche thanked the Board for holding the public hearing on this item. She mentioned that several Planning Board members had been part of the committee to create the Open Space Plan. These include: Selectmen Breton and Ms. Skinner. Ms. Bev Donovan, present at the meeting, is also a committee member.

The purpose of this report was to address the growth potential as a result of the I-93 expansion. It is a blueprint to identify Green Resources in Windham.

Ms. LaBranche overviewed the priorities of Windham that were used to rank green areas in order of protection importance. Each parcel selected for priority protection was assigned a protection priority ranking of "high" or "medium" depending upon such factors as: proximity to or connectivity with existing conservation or town and state owned lands; proximity to the rail trail; occurrence of priority resources; and occurrence of riparian areas and shoreland.

Ms. LaBranche presented the Open Space Map with the priority parcels identified.

Ms. Prendergast asked about the identity of some specific areas on the map regarding scenic views and largest un-fragmented parcels.

Chairman LoChiatto mentioned some of these parcels, including the Windham Country Club and forested land.

Ms. LaBranche discussed how the Open Space Green parcels were chosen for analysis purposes. The preservation of agricultural parcels was considered to be a priority.

Chairman LoChiatto asked a question about the color scheme of the map.

Ms. Post clarified what the specific colors meant.

Ms. LaBranche said that the value of the Open Space Lands, listed in the report, is estimated to be \$12 million. This is variable depending on how the property is assessed.

Ms. LaBranche said that she will make corrections in regards to statistical data.

Selectmen Breton suggested that the purchase price on table 1 be updated for the Blanchard Property. He also suggested a correction to the name of one of the properties.

**Mr. Okerman made a motion to open for public hearing at 7:59 pm. Mr. Breton seconded the motion. Motion passed 7-0.**

Ms. Scott mentioned that the Open Space report is a guidance document for the Conservation Commission, the Planning Board, and the Town to use.

Ms. Prendergast asked as to why we were having a public hearing on the Open Space Report.

Ms. Scott said that it is not a requirement for the Town to adopt this document. However, if it is adopted, the Town will receive a higher point rating when applying for grants for land protection of identified parcels.

Selectmen Breton suggested that the Planning Board add a disclaimer that the Open Space Task Force Report is adopted as a tool only and that it is non-binding. Ms. LaBranche suggested that a disclaimer could be inserted into the text of the report to address Selectmen Breton's concern. Mr. Breton suggested that the disclaimer be inserted on page 2 of the report.

Ms. Prendergast said that she is not sure about adopting the report, but that the public hearing was not over yet.

Ms. St. Laurent asked questions about agriculture. She does not see many areas of agriculture marked as prioritized areas for protection.

Mr. Pruyne answered the question about agriculture. Most farms in Windham have already been subdivided and developed and are no longer open space areas.

Selectmen Breton referenced Page 17 which lists the (3) three farms in Windham.

Ms. St. Laurent said that she knows of a parcel that is an apple orchard and it is not listed on the map as open space.

Mr. Pruyne said that the apple orchard may be added in later.

Chairman LoChiatto said that apple orchard property was subdivided 3 years ago and that it is now an approved subdivision. Selectmen Breton said that the apple orchard has been listed as a scenic vista. He asked if it was possible to add in another color for agricultural lands.

Ms. St. Laurent said that the goal in Windham is maintain a rural feel. She knows of a farm that is not marked on the presented map.

Ms. LaBranche said that there were other factors that were considered when the analysis was completed. Not all open areas are listed as priority areas of preservation. Some parcels may consist of open green space; however due to other factors, such as lack of connectivity with other open parcels, they are given a lower priority ranking for preservation.

Chairman LoChiatto confirmed that scenic vistas need to be added to the map.

Mr. LoChiatto opened public discussion at 8:12 pm.

Mr. Schultz, resident, asked Ms. LaBranche about the original maps and if these could be made available so that the process from beginning to end could be understood.

Ms. LaBranche Replied she will make the maps available.

Mr. Case says that he would like to see the Open Space Report as a PDF on the Town website. In addition, Mr. Case questioned as to why a specific parcel of open land was not designated as a priority for preservation. Ms. LaBranche said the parcel that Mr. Case mentioned, was not adjacent to other parcels of open space. The parcel lacks connectivity and therefore is ranked as a lower priority for preservation.

Chairman LoChiatto said that he wanted to know the process used for ranking parcels in terms of prioritizing each for the open space preservation.

Ms. LaBranche said that each parcel was given a rank based on a set system. This system is detailed in the Open Space Report.

Chairman LoChiatto said that the layering of data this was done by computer analysis and that is how the parcels were identified for protection.

Chairman LoChiatto said that the document needs to be looked at as a whole to understand all of the pieces that went into deciding the priority list.

Mr. Case said that he wants an understanding of the document.

Chairman LoChiatto said that the document is not telling us what to do, it is a guidance tool.

Mr. Case said that if he was on the Planning Board, he does not know if he could use this report as a guidance tool. He said that the document was adopted by a committee appointed by the selectmen. He does not understand why the document does not gain approval from the Select Board.

Mr. Schultz asked if the Open Space Task Report document would affect the CTAP Buildout Analysis.

Mr. Pruyne said that both products were created in the Rockingham Planning Commission office and that the computer analysis part for both products was completed by him and they are complementary.

Mr. Schultz said that he would like a digital copy of the map.

Ms. LaBranche said it would be made available to the public on a CD.

Mr. Case asked a question about the appraised values of the prioritized lands for open space protection.

Ms. LaBranche says that she will double check on this.

Chairman LoChiatto closed the public hearing at 8:35 pm.

Chairman LoChiatto said that there are several ways to approve this document. It could be used as a guidance document or as a supplement to the master plan.

Ms. Prendergast said that she does not want to consider the adoption of the Open Space Report unless it is looked at in conjunction with the Master Plan as a whole. In addition, Ms. Prendergast said that we need more public input prior to adopting the Open Space report.

Chairman LoChiatto mentioned that his intent is not to invalidate the Open Space Report.

Ms. Post said that she agrees with Ms. Prendergast's previous remarks regarding the need for more public input. In addition, Ms. Post indicated that she was impressed with the Open Space Task Force Committee's efforts.

Mr. Case said that we have limited financial resources and that it is important to prioritize. He asked if the Open Space Task Force Committee will continue working on this report or if it is a finished project.

Ms. LaBranche said that it is a finished project. She said that the parameters for completing the report were very rigid and developed by the CTAP program. All committees in various Towns are using the same process. This is a very technical evaluation of land and it is not

intended to be part of the main body of the master plan. Perhaps it could be used as an appendix. It could also be adopted as a technical document or a policy document.

Ms. Prendergast indicated she is apprehensive about adopting this document because of the impacts that it might have.

Chairman LoChiatto suggested that perhaps it is possible to accept this document as a guidance tool.

Mr. Peter Zohdi asked if there could be more public workshops on the Open Space Report.

Chairman LoChiatto said that a future workshop may be necessary.

Ms. Scott reminded the Board that there were revisions agreed upon tonight that still need to be incorporated into the document.

Ms. Post suggested that the most urgent priorities should be identified in the Open Space report when prioritizing what actions are to be taken.

Selectmen Breton suggested edits to Appendix C.

Chairman LoChiatto suggested some clarification edits to the prioritization map. He suggested that the Board submit all of its editing suggestions and that this be scheduled for the next meeting in April.

**Ms. Post made a motion to continue the hearing on the Open Space Task Force to the next available meeting in April. Seconded by Ms. St. Laurent. Motion passed 7-0.**

Mr. Zohdi said that he would like to have a workshop on this.

Chairman LoChiatto said that Mr. Zohdi's point has been taken. He reminded us that this is not a binding document.

Ms. Prendergast gave a suggestion on how the Board could progress.

**Motion by Ms. Prendergast to reconsider the prior motion regarding continuing the CTAP Open Space public hearing. Seconded by Ms. Post. Motion passed 7-0.**

**Motion by Ms. Prendergast to close CTAP open space task force public hearing and have Ms. LaBlanche make and submit changes for workshop discussion on April 21<sup>st</sup>. No second.**



Ms. Scott said that this report was worked on publically. Public was invited to all of the previous workshops and all materials were made available to the public.

Staff discussion with PB: Already closed the public hearing, motion should be to not adopt the document. Ms. Scott is not comfortable presenting info without Ms. LaBranche present. Committee members, land owners and Ms. LaBranche should be invited back for discussion.

**Ms. Prendergast motioned to not adopt the Open Space Task Force document but to have Ms. LaBranche make and submit changes for an April 21<sup>st</sup> workshop discussion. And to also invite Ms. LaBranche, members of the Open Space Task Force, and the 24 land owners to participate in the April 21<sup>st</sup> workshop. Seconded by Ms. Post.**

Discussion ensued regarding whether to invite Conservation Commission to the meeting. Mr. Breton listed committee members and which Town board/committee they represent. Mr. Finn was the ConComm representative.

**Motion passed 7-0.**

Ms. LaBranche said that she wants to know the purpose of the next meeting. She needs a clear idea of what is needed. Ms. LaBranche said that the Planning Board should not be afraid of this document; it is not intended to encumber anyone and it is a resource only.

Chairman LoChiatto said that he is worried that it could be used more as a hammer than as a guidance tool. The discussion and workshop on April 21<sup>st</sup> will be to discuss the purpose of the document.

Ms. Prendergast said that she wants to understand the document and know how it will be used.

Ms. LaBranche said that it is not possible to change the methodology used in the Report or the results. The document can be clarified but the methodology can not be changed.

The discussion on this was closed at 9:21 pm.

The Board took a break from 9:22pm to 9:35pm.

## **Public Hearing**

### Case # 2010-05 Minor Site Plan/Change of Use Application

A Minor Site Plan/Change of Use application has been submitted for Lot 11-A-150L (7 Ledge Road) in the Limited Industrial District. The applicant, Scott Fisette, on behalf of 7 Ledge Road, LLC, is proposing a small engine repair shop in an existing building. No exterior building or site modifications are being proposed with the exception of a new wall sign.

Ms. Scott overviewed the case and related materials. Materials included in the packet included:

- A summary of proposed business use, wall sign, building floor plan, and parcel map
- Application Review, TRC meeting summary, and Fire Department email

Ms. Scott said that there are no outstanding issues on this case. If the application is approved, then it will be necessary for the applicant to apply for a wall sign.

Chairman LoChiatto asked a question about the uses by area on the presented floor plan.

Ms. Scott explained the current and proposed building use by floor area.

**Mr. Breton moved that this be open for public hearing. Mr. Okerman seconded the motion. Motion passed 7-0.**

Mr. Fisette, the applicant, said that he was available to answer any questions.

Ms. Prendergast asked if the concerns raised by the Fire Department had been addressed.

Mr. Fisette said that he had already worked with the fire department staff to assure that the fire concerns had been addressed.

Ms. Post asked if there would be solvents used on the property. Mr. Fisette replied that the only solvent to be used on the property would be carpet-cleaning chemicals. The solvent would be stored in metal containers labeled flammable and all proper precautions will be taken.

Mr. Fisette said that yes, precautions would be made.

Ms. Scott said that standard safety procedures would be addressed in the building permitting process.

Ms. Post asked how vehicles would access the property?

Mr. Fisette indicated the driveway is off Haverhill

Chairman LoChiatto asked the Board if there were any further questions.

**Mr. Okerman made a motion to approve the minor site plan/change of use application. Selectmen Breton seconded the motion. The motion passed 7-0.**

Implementation of the Cobbetts Pond Watershed Protection Ordinance

Ms. Scott drafted three different applications for the enforcement/implementation of this ordinance and presented them to the Board. These are as follows:

1. Cobbetts Pond Watershed Protection Land Development Application-MINOR
2. Cobbetts Pond Watershed Protection Land Development Application-MAJOR
3. Cobbetts Pond Watershed Protection Site Plan and Subdivision Application

The above applications were based off the Cobbetts Pond Watershed Protection Ordinance that was adopted at Town Meeting.

The process has been streamlined so that if an applicant has submitted the other required applications for their proposal, the Cobbetts Pond application will be processed at the same time. The applicant will still have to meet all other Town regulations.

### **Site Plan and Subdivision Application**

Chairman LoChiatto asked if someone doing a lot line adjustment had to use this application.

Ms. Scott said that it was necessary because lot lines adjustments could change the amount of impervious surface and lawn on a parcel and the ordinance has restrictions on that.

Ms. Scott said that fees will have to be set, but is recommending an application fee of \$50. This would be in addition to other application fees. Fees would also be collected to review the Hydrology Study that may be required. The Town Consulting Engineer would be doing the review of those.

Chairman LoChiatto asked Ms. Scott which additional engineering review fees would be required.

Ms. Scott said that the engineering review would ensure that the proposal meets the requirements of the Cobbetts Pond Watershed Protection Ordinance. This may cause additional costs to what current review requirements incur.

Chairman LoChiatto asked if there is currently a fee for each application.

Ms. Scott said yes. This is already done for applications located in the WWPD. The Cobbetts Pond Watershed Protection Ordinance adds another layer of review. It requires more staff time.

Selectmen Breton asked Ms. Scott if she feels that the \$50 fee covers all expenses of the review.

Ms. Scott said no but feels is it fair to the Applicant.

Mr. Zohdi discussed a development project that he is working on. He said that the owner has been waiting since December for approval and has been delayed. This sets the project behind 7/8 months.

Mr. LoChiatto stated that it is necessary to talk about the application forms first and then about the process.

Ms. Scott said that if the Board agrees on the presented application forms, that they will be available to the public tomorrow.

### **Cobbetts Pond Watershed Protection Land Development Application-MAJOR**

Ms. Scott referenced 1.6.C of the Cobbetts Pond Watershed Protection Ordinance. She said that this applies to building permits.

Mr. Okerman said that some of these requirements are handled by the State. Chairman LoChiatto said that staff is better equipped to handle the review of these types of applications than the Planning Board.

Ms. Scott said that the ordinance language requires that the Planning Board to approve these type of permit. The Town cannot issue a building permit that is in conflict with the ordinance.

Ms. Post asked if it were possible to handle these permits like we handle sign permits.

Chairman LoChiatto said that that may be the solution.

Mr. Alosso said that he is one of the affected applications that has been delayed as a result of this ordinance. He said that he understands that the ordinance is well intended to protect the water quality of Cobbetts Pond; however, the people who submitted the ordinance did not intend to hold up the permit process. He would like the Planning Board to make a decision as to what needs to be done so that he may begin the building process.

Mr. Alosso said that staff is more than qualified to make sure that all concerns of the ordinance are addressed. The ordinance goes hand and hand with State law that staff is already enforcing.

Ms. Scott says that only a small amount of applications reside in the area affected by the Shoreland Protection Act. If an application is in the Shoreland Protection Area, meeting the criteria of the Cobbetts Pond Watershed Protection Ordinance would not require much additional work for an applicant. This is because an applicant has already had to get approval for the Shore Land Protection requirements.

Ms. Post said that we should treat these applications like sign permits. She mentioned that she thought the full agenda for applications was advertised and posted with a waiting period

in the case of an appeal. She said that she believes that this process would adhere to the relative spirit of the ordinance.

Chairman LoChiatto said that he agrees with Ms. Post in principle; however, he believes that review of applications in the Cobbetts Pond Watershed Protection District will be more involved than review of the sign permits.

Chairman LoChiatto asked that the Board break out what is already "in the pipeline" and separate it from applications that were submitted after 3/9/10. Chairman LoChiatto asked if it were possible to process all of the applications that were already "in the pipeline" by the next Planning Board Meeting.

Ms. Scott said that this depends on the individual application, its location, and what other work staff have on their plate.

Chairman LoChiatto said that he is tempted to allow projects that are in the pipeline to move forward.

Ms. Scott said that there is no grace period for enforcing the Cobbetts Pond Watershed Protection Ordinance. It was in effect as of 3/10/10.

Ms. Post said that it sounds to her like some of the applications located in the Shoreland Protection area are ready to go because they have already submitted materials to the ones that are required by the Cobbetts Pond Watershed Protection Ordinance.

Ms. Scott said that this is true.

Ms. Post asked that if these applications are virtually ready, why not schedule them for a Planning Board meeting?

Ms. Scott said that there are roughly 20 applications pending. They are spread among different boards. Some are with Zoning Board; some are with the Planning Board, and all need to submit applications for staff to review prior to it being scheduled for the Planning Board to review.

Chairman LoChiatto said that the Board should decide on what to do with applications for new projects.

Ms. Scott asked the Board if they decided what to do with applications for "Major" projects.

Mark Schultz, resident, said that he thinks the Town should follow the letter of the law. He said that he thinks the sign idea is good, but it may not be the legal way to enforce the ordinance.

Chairman LoChiatto said that he would recommend that Minor applications be handled administratively.

Ms. Prendergast said that the Planning Board may have the authority to administratively delegate the authority to Staff to review some applications.

Selectmen Breton said that Minor applications, as defined on the application, could be handled administratively by staff.

Ms. Scott said that Minor applications could be processed by staff presented to the Planning Board with a Staff Recommendation and approval conditions.

Chairman LoChiatto said that the Planning Board has the sole authority to administer parts of this ordinance.

Chairman LoChiatto asked if a new house would need Planning Board review and approval?

Ms. Post said that new construction would require approval.

Mr. Schultz said that he thinks it would be helpful for Town Counsel to give input.

Mr. Alosso said that the ordinance has administrative latitude. He pleaded that the Planning Board make a decision so that the building process can begin. He feels that it is hurting landowners in regards to the delays that have been imposed.

Ms. Scott said that quite a few of the building permit applications were rejected. There are also many that are waiting to come before the Planning Boards for review and approval. She said that 5 applications have been submitted for variances to the ZBA from the entire ordinance.

Mr. Schultz asked if the current building permit review process requires public input.

Ms. Scott said no.

Chairman LoChiatto said that there is a 7-day window of time for an appeal process against any issued building permit.

Ms. Post said that the Cobbetts Pond Watershed Protection Ordinance requires that the Planning Board review new home construction according to a set criteria as detailed in the ordinance language.

Mr. Schultz said that he would like to see the ordinance followed to the letter of the law. He knows that the Board needs to come up with a process for existing applications.

Mr. Wrenn said that applicants need to know what to do. He says that we need a process for staff to review applications and to present applications to the Planning Board to approve or not to approve. If the process passes tonight, then applications will be able to apply tomorrow.

Chairman LoChiatto said that he feels it is an all-or-nothing option. Either all building permits must go to the Planning Board or no building permits go to the Planning Board under this Ordinance.

Ms. Post asked for clarification.

Chairman LoChiatto said that there is no way that the Board can handle every application that comes down the pipeline that falls under this Ordinance.

Mr. Schultz said that the Planning Board members were elected to enforce what is written in the ordinance. The ordinance clearly states that all Building Permits must go to the Planning Board.

Ms. Scott said that the intent of the ordinance and the language of the ordinance do not match. The authors of the ordinance and the Town Attorney all agree to this. Ms. Scott says that what she proposed was trying to meet the reasonable intent of the ordinance.

Mr. Zhodi said that Ms. Post has said that we should process these applications without coming to the Planning Board and see how it works out.

Ms. Post said in response that she was only referring to Minor Applications.

Ms. Post said that she did not intend to suggest Major Applications or Site Plan and Subdivision Applications side-step Board Approval.

Mr. Schultz said the Town should give enforcement of this ordinance a try for 60 days and then think of a better way to design the approval process. As a resident he hears that the Board is passing this off to staff to administer.

Chairman LoChiatto said that the Board has the authority to decide.

Mr. Schultz said that his experience with the law is that the more specific detail in the law prevails.

Ms. Post said that she assisted with the drafting of this ordinance. Therefore, she takes aversion to Mr. Schultz's statement that she is shirking the law with her suggestions for the enforcement process. She does not believe that the ordinance was intended to mean that every building permit must be heard by the Planning Board.

Mr. Schultz says that he agrees with Ms. Post.

Chairman LoChiatto asked if the Board was all clear on the process for the Site Plan and Subdivision Application.

A discussion on the implementation of Minor applications was continued.

Chairman LoChiatto took a poll of all the Board members to see how they felt on the issue. He asked each one their opinion on the enforcement of the ordinance.

Responses were as follows:

Selectmen Breton said that Major applications should be heard before the Planning Board.

Ms. St. Laurent said that she likes the idea of Minor applications being reviewed, such as sign applications, but the ordinance is clear that all building permits must be approved by the Planning Board.

Ms. Skinner said that Minor applications could be handled administratively by staff. She says that she lives in the Cobbetts Pond Watershed Protection District.

Mr. Okerman said that he is split in his opinion.

Ms. Prendergast said that she is split on her opinion.

Ms. Post said that based on the intent of the ordinance, she does not believe that the ordinance requires that all types of applications be treated the same.

**Selectmen Breton made a motion that for Minor Applications for properties located in the Cobbetts Pond Watershed Protection District be handled administratively by staff. Ms. Prendergast seconded the motion. The motion passed 6-1. Ms. St. Laurent voted in the negative.**

**Mr. Okerman made a motion to adopt the Cobbett's Pond Watershed Protection Ordinance Applications as amended. Ms. St. Laurent seconded the motion. Motion passed 7-0.**

**Ms. Prendergast made a motion that all outstanding agenda items be heard at the next Planning Board meeting. Ms. Post seconded the Motion. Motion carried.**

**Mr. Breton made motion to adjourn meeting. Ms. Skinner seconded. Meeting adjourned at 11:12pm.**



**Ms. Prendergast made a motion to waive the bylaws regarding the appointment of members after the election. The motion was seconded by Mr. Breton. The motion passed 7-0.**

**These minutes are submitted respectfully by Elizabeth Wood**