



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Approved Planning Board Minutes
June 27, 2012

Board Members:

Margaret Crisler, Chairman – Present

Ruth-Ellen Post, Vice-Chair– Present

Pam Skinner, Member – Excused

Kristi St. Laurent, Member – Excused

Jonathan Sycamore, Member – Arrived 8:07 pm

Lee Maloney, Alternate Member – Excused

Carolyn Webber, Member – Present

Ross McLeod, Selectman Alternate – Present (7:05pm)

Kathleen DiFruscia, Selectman – Member - Excused

Sy Wrenn, Alternate Member – Excused

Vanessa Nysten, Alternate Member – Present

Staff:

Elizabeth Wood, Community Planner

Cathy Pinette, Planning Board Minute Taker

Call to Order/Attendance/Pledge of Allegiance

Chairman Crisler called the meeting to order at 7: 04 pm, followed by attendance and the Pledge of Allegiance.

The Chairman stated there will be a Planning Board meeting on July 11, 2012.

Seat Alternates

The Chairman appointed Ms. Nysten to sit for Ms. Skinner

Public Hearing:

Case#2010-44/Major Open Space/Workforce Housing Subdivision/Site Plan Application and WWPDP Special Permit

A Major Open Space/Workforce Housing Subdivision/Site Plan Application and WWPDP Special Permit has been submitted by Karl Dubay, of The Dubay Group, Inc., on behalf of AWAC Realty Trust, for Lot 11-A-1418 (76 Meetinghouse Road), which is located in the Rural, Aquifer, and WWPDP Districts. The Application is to subdivide 11.87 acres off Lot 11-A-1418, which already contains an existing home, and into a 13 lot Open Space Subdivision (12 residential lots and 1 open space lot) with a new Town-maintained road, as well as associated drainage improvements. Of the 12 residential lots, 3 lots are proposed to be Workforce Housing lots, as defined in NH RSA 674:58. The WWPDP Special Permit is for drainage improvements along Meetinghouse Road. Waivers are being

requested from **Section 619.7.3** of the *Zoning Ordinance and Land Use Regulations* and from **Section 602.7, 702.3, and 602.2.5.3** of the *Subdivision Regulations*.

The Chairman reopened the public hearing for Cricket Ridge.

- Ms. Wood stated that the meeting was re-noticed to all abutters and notice was in the newspaper. She asked the Board members to review the packet from the last meeting. Her latest memo regarding this case was dated 6/27/12 and was included in the Board's packet for this evening with her comments. Also note there is a concise list of recommendations that was provided to the Board previously. The applicant didn't state what Subdivision Regulations they were applying under. She stated a note should be placed on Sheet 3 of the plans indicating that the waiver request from Section 602.7 is from the 2010 Subdivision Regulations.
- Ms. Wood received a memo from Ms. Nancy Maloof-Winn stating that some of the claims that were made were false regarding her property. Staff investigated and found that the Town's Assessment records were incorrect. Based on her findings and a sample of the shingle provided by Ms. Maloof-Winn, it was determined that there were no asbestos shingles on her property and the Town's records have been corrected.
- The Chairman stated she would like comments from the Board. The Chairman reminded the Board that it is past the 65 days so a decision should be made tonight.
- Mr. Dubay, on behalf of the applicant, AWAC Realty Trust, stated that this is a continuation so he will not back track. He has a small list Ms. Wood provided to him and he will clarify. He has added the note on Sheet 3 of the Plan that is mentioned in Ms. Wood's memo of June 22, 2012.
- The Board was provided in their packet a memo from Mr. Dubay dated June 27, 2012 which had the project wrap up list. It included Plan Notes, Building Layouts, Department Consultant Reviews, and Comments from Recent Hearings & Site Walk, WWPD Special Permit and Waivers. He stated all verifications have been done. Spelling out of WFH guidebook title, that each open space plan shows the building envelope, all sets backs and no wetland impacts. All consultant department reviews have been completed, fiscal impacts have been completed and the reviewer has provided a report recommending that waiver and the Board was knows that the numbers were previously acknowledged by the ZBA and properly notified.
- Mr. Dubay stated that they believe all documentation has been provided, including site walk recommendations. Mr. Maloof's comments regarding the front basin which has been reduced in size. The buffer is the same width behind the Maloof property but with increased plantings as promised. He stated the open space location would not have changed in a non-WFH plan at any percentage of open space. What did change was that they included voluntary buffers and the subdivision plans show that. Existing Laws & Town Ordinances are already in place controlling noise, construction and environment impact. Regarding the WWPD waiver request, they did file with the original application, and have multiple meetings with the Conservation Commission. He also resubmitted more photos for the record. The Town consultant has recommended approval on

all of the waivers. One is a technical waiver and they complied with that. This design is a hybrid of the old regulations and the new regulations. Mr. Dubay thanked the staff and Board for working with them on this application and they believe this was the best plan.

- The Chairman and Vice Chair discussed procedure for this, i.e. Waivers first, presentation, questions from the Board, etc,
- The Chairman asked Mr. Dubay to outline the waivers they were requesting.
- Mr. Dubay stated that Mr. Keach reviewed the waiver packages, the fiscal and subdivision technicality plans. He stated there were some waivers involving the 2010 Subdivision Regulations. The 2010 regulations had to do with conflicting items of a 40' ROW which existed at that time. To avoid any issues they received a waiver at that time. Regarding Section 602.7, the intent of that waiver is because there are conflicts of a 24' of roadway on a 40' or 50' ROW. They have a 40' ROW with a 24' road. They also put in easements for the Town. Mr. Keach recommends that waiver. Regarding Section 702.3, that has to do with transition of Regulations. Mr. Keach also recommends that waiver. Regarding storm water management, there were technicalities with the old and new Regulations. They needed to get a waiver for that. They have a better design now. On Meetinghouse Road they are putting in a Class 5 concrete pipe because the Road Agent and the abutters would like a cleaner look. It will look the same as the abutters have now. Mr. Keach also recommended that waiver. Regarding section 602.2.5.3 they have worked the roadway design with staff and the TRC. In 1972 the regulations allowed that but the new regulations do not. It will allow them to blend into the existing roadway. The last waiver for is for the percentage of WFH units. This Town requires 50%; however, this project only works at 25%. They have gone through the process with their studies and Mr. Keach recommends the Board approve the waiver regarding percentage of WFH units.
- The Chairman confirmed with Mr. Dubay that they have received a variance for the 25%. Mr. Dubay replied yes.
- The Chairman asked Mr. Dubay if he could review the WWPD Special Permit. Mr. Dubay stated the WWPD Special Permit covers drainage treatment. They want to intercept the water and send it to Mr. Pliskin's property instead of sending it down Meetinghouse Road. The water is intercepted so it doesn't go onto the abutters' property. The Conservation Commission is in support of this design and the WWPD Special Permit. There is a note on the plan for swales.

The Chairman opened the hearing to the public at 7:42 pm.

- Mr. Dubay stated that on Page 10 the Erosion Control Plan is noted.
- Ms. Joyce Ryan, 88 Meetinghouse Rd, addressed the Board. She stated that on the plan there was nothing about how groundwater would be impacted. She questioned what if they have a problem. Who would they address that to and whose responsibility would that be. Mr. Dubay stated that the project is 12 houses on 12 acres. When they designed they have to obtain a state permit

review and look at the septic and the well. They have one house per acre which meets the regulations. They have individual wells for each house. Three houses by deed are limited to three bedrooms. They had to prove out the lot loading. Technically you are allowed to overlap well radii but they didn't do that. The groundwater flow is from the hill. Your house is out of the groundwater recharge that you can see on the RPC map. The Chairman stated that Ms. Ryan was concerned about blasting. Mr. Dubay stated they don't anticipate any blasting, minimal if any. When they look at the ledge profile there should be no blasting.

- Ms. Nancy Maloof-Winn, 108 Wildwood Drive, Westwood Ma addressed the Board. She stated that she wanted to draw the Board's attention back to when she spoke before the Board. She was concerned that they said there would be no blasting. Something she asks the Board to do, if blasting is required, a blasting company comes in and videos all the areas and write a written report if there are any cracks or certain issues. She stated Mr. Dubay is not saying there will be no blasting. The Chairman stated that the Town has a very strict Ordinance which does that exactly. Ms. Maloof-Winn wants copies of the video tapes and the reports. She thinks her rights should be protected during this project and down the road. She is asking the Board to require this. She stated her neighbor asked Mr. Dubay a question and he never answered her. He spoke to the wells on the property, not what happens when her well is tainted or who is responsible when things happen. People want answers to that question. He never answered the questions, who will I go to, how long do I have for protection, they are very reasonable questions. Nobody wants to be in litigation when they have no water. When a developer is asking to cram all these houses on a very small project it is reasonable to know where an abutter can go to when all these special conditions and waivers are asked for. She also wanted to make clear that from the outset of these hearings on this "so called new project" she has not been provided a neutral and detached Board to address these issues. At the very outset of this there has been undue bolstering of the credibility of Mr. Dubay by the Board and it should not have happened, these issues are in dispute. She sees that they are upset but we are upset. The Chairman stated Ms. Winn Maloof has falsely accused the Board of being partial, they have bent over backwards to make sure that all of the abutters and citizen's have their rights respected. The applicant has listened to your concerns. If she has looked at all the efforts they have gone through with consultants and town staff they have gone out of their way to make sure everything was provided and reviewed. Ms. Maloof-Winn stated when a Board member begins the hearing by congratulating the engineer for the project on what he has done, it should not have been done. Town counsel also bolstered and congratulated Mr. Dubay in the hallway last time we were here.
- The Chairman asked Ms. Maloof-Winn to please address the project.
- Ms. Maloof-Winn stated the reason they were back today was because they didn't get heard last time. And under the rules of procedure, any matter under 676.1 stated any matter placed on an agenda continued from a previous hearing should be going on the agenda first and that did not happen. Procedurally this is flawed and not in accordance with the rules.

- The Chairman stated that the waiver, which is not required to be noticed, may have not been included in the notice we asked the applicant to postpone due to waiver notice to the public. We were going out of the way to make sure the public was noticed.
- Ms. Maloof-Winn stated regarding the notice, do we feel that they were fairly treated? She thinks not. The Board made it clear to the developer to go for a waiver for 25%, he initially chose not to. She stayed until 10:25 pm on the date they were supposed to be here. The Board gave him another opportunity. She stated the Board should have denied that. The Chairman stated they did not give him another opportunity but they asked for reaffirmation of the information he had provided and to make sure the public was notified. Ms. Maloof-Winn stated again that they stayed till 10:25 pm and you gave him another chance and in review of my view of this special consideration you asked me not to speak anymore because it was late. According to procedure a person is supposed to be recognized by the Board before speaking and after she was asked to stop speaking Mr. Dubay comes up and speaks.
- Mr. McLeod asked Ms. Maloof-Winn to please stick to the substance of the application we are hearing tonight.
- Ms. Maloof-Winn asked the Board to kindly notice her objection to this Board refusal to allow me to create a record to the procedural flaws that have taken place in this proceeding.
- Mr. McLeod asked Mr. Dubay what date the application was filed. Mr. Dubay stated he would check.
- Ms. Maloof-Winn would like to note her objections to the point of procedure now going on. She objects to being cut off from her procedural arguments. This notice now doesn't give the notice. It doesn't say we want ½ of what is required. The public might have been much more interested where this developer is asking for ½ of what he should have. At 7:22 this evening Mr. Dubay stated that if they did an open space it would have been here, pointing to the plan on the wall Board. Never before has she heard this. There was an open space area that was available. The Board is taking the position that the developer has a variance she suggests there is no variance that runs with this property. Ms. Maloof-Winn stated the statute is unconstitutional. She also stated that Mr. Maloof did not receive notification that the variance had been granted and what his appeal process was. The Chairman asked Ms. Maloof-Winn if she was referring to the ZBA. Ms. Maloof-Winn stated yes, she is still waiting for that. Nothing valid before the Board for them to rely on. Ms. Maloof-Winn stated that the Ordinance that they are working on now is unconstitutional, it is arbitrary and capricious in its application. Anybody that can have 5 acres of land can go for a project whether or not it is needed. She stated she is being denied the use of her quiet enjoyment of her property. The Board needs to have some standards. She asked if they were looking at a good faith effort. She suggests an Ordinance without any caps is acting unfairly to the Town. She stated it is not acting fairly to the abutters with these projects going in. She stated there is a glut of houses on the market.

Mr. Sycamore was seated at 8:07 pm.

- Ms. Maloof-Winn submitted house listings to the Board. She stated that Mr. Dubay said the houses on the market are not new houses. She doesn't see WFH to be new houses. She suggests the Board place no weight on that. She stated this whole WFH everyone is having difficulty working through it. She certainly is and does not have expertise with. We are here because the developer is asking for waivers. Waivers are now being construed not as a conditional use permit. The Chairman stated that is correct. She suggests they ask for conditional use permits for WFH. The Chairman stated that the Ordinance states a waiver and they must follow that. Ms. Maloof-Winn stated looking at the broader picture; she thinks a conditional use is what this really is. They are looking for a WFH which is a conditional use in part. The Chairman stated, no it is a waiver. To change the percentage requires a waiver the Chairman stated. Ms. Maloof-Winn stated that is fundamentally flawed because you don't look at the criteria, the 6 criteria, of how this reduction will impact the abutters. How it will impact the abutters, it's a denial of our due process rights and under the 5th Amendment is it a taking our property. Ms. Maloof-Winn stated that to do it here and look at the 6 criteria is grossly unfair. It is a denial in her rights. She notes the Board is not interested in hearing other procedural flaws. She has more to say but the Board does not want to hear it because she is being denied that opportunity. The Chairman stated she could address the application. Ms. Maloof-Winn stated that Mr. Pliskin after the close of the evidence asked the Chairman if they could at least close the issue. Ms. Winn Maloof stated she was troubled by the fact that the Chair answered him. She feels it is not due process but acknowledged that the Chairman denied Mr. Pliskin's request.
- Ms. Maloof-Winn suggests this project with 3 units and not 6 units and with open space does not meet public safety and health and general welfare of the community, denies abutters quiet use, this is a unique land of rock ledge and it is like an amphitheater. This is about him throwing in all these extra houses. The ledge will send back the noise like an amphitheater. The Board should say no. The volume of the noise will make the abutters suffer. Construction will go on longer than he says and decrease property values. She stated all the noise issues. She shouldn't have to put up with this. She thinks they should have open space. The night glow from this project is unreasonable and should not have to suffer from this. Peace and tranquility will be compromised and visual comfort will be compromised significantly. She spoke about the wildlife. There is no reason for this to be jammed in under this set of circumstances. She states there will be runoff from this property and to do so any amount of water to be pushed onto her property is an unconstitutional taking of her property. Regarding landscaping, everything comes down to 86 Meetinghouse Rd. Instead of 6 houses they have more now. This property on reduced sized lots where they should not be reduces her property values. She respectfully suggests the Board not grant the WFH, the Town of Windham has a lot of work to do and go back to the Ordinances and work on them. The Ordinance is unconstitutional and will be subject to challenge. You don't make the abutters keep coming back and work out these problems.
- Ms. Ryan addressed the Board. She asked who's legal responsibility are the well issues.
- Mr. Dubay stated the town has a Well Ordinance and it is a step above the State standards. It is an open space lot, just like any other open space lot. He stated if the well goes dry it is not because

of anyone else putting in a well. He stated he is bound by laws and regulations and they meet them. You can go to the Town, health agent, EPA, or DES. He can't guarantee anyone else's well but he does have experience with wells. There has been a tremendous amount of paperwork on this project because the Board and Ms. Maloof-Winn have asked for it. Ms. Maloof-Winn has stated there is lots of ledge on this property and he has stated there is not. For Ms. Maloof-Winn to consistently state that there is all this ledge out there he is stating this is untrue. He is following the rules and regulations. The WFH issues Ms. Maloof-Winn brings up were addressed in Oct. 2011, the memo from the WFH consultant and State laws. He followed the rules on the waiver request actually providing a better system. This open space project would have been built whether it was WFH or not. This subdivision was contemplated in the 70's and recorded at the Registry of Deeds. He has submitted all the information for the record. He is intercepting the runoff to Ms. Maloof-Winn's property and it is on the plan. It's a fact. Ms. Maloof-Winn spoke of property values and he has provided the Board with the reports and studies. He has also submitted property evaluation for her property. He stated there is no special treatment here and the Board is very thorough.

- Mr. Frances Licita, 83 Meetinghouse Rd., addressed the Board. He asked if there would be any pooling and how that would affect insect infestation and public health. He also asked about blasting regarding how the applicant could guarantee there is no ledge if they haven't dug for a foundation. Mr. Dubay stated that have dug that deep, have done multiple test pits and the elevations are shown on the plans. Mr. Licita asked Mr. Dubay what the depth was. Mr. Dubay stated he could show him on the plans, they vary, some areas have fill and some have cuts. They are meeting the existing grades. Mr. Licita asked Mr. Dubay when they did the test pits. Mr. Dubay stated late 2010, but actually filed this projection in early 2011. Mr. Dubay stated that the runoff from this project is not designed to pool any water. All designs to carry water on its way. There is a bottom drain. Pre-blasting survey forms would be filled out, they will still meet the criteria, it could be a little corner of something but he doesn't expect anything. They would file with the Town.
- Mr. Jim Maloof, 82 Meetinghouse Road, asked Mr. Dubay about the basin. Mr. Dubay stated he is making the basin smaller and it is just an expanded swale at this point. Mr. Maloof asked what size. Mr. Dubay stated it is a small dish, 20-24' in diameter and is on the plans.
- Ms. Maloof-Winn asked what the gross profit is for AWAC with the reduction from 50% to 25% and the breakdown of it. Mr. Dubay stated this was answered in the supplement update. It showed the (6/20/12 Keach memo) gross and net figures. Mr. Dubay stated the report says it was marginal even with 3 WFH units, with 4 it would go even lower based on the risk of the project through the Guidebook. 11 - 12% profit. The numbers got worse when they updated it for 2012.
- The Chairman stated the memo of June 15, 2012 includes spreadsheets of financials, details and shows a reduction of profitability from 12% to 11.5%. The Board has reviewed it.
- Ms. Ryan addressed the Board. She stated in Mr. Dubay's aquifer protection notes it says the project does not interfere with water supply availability and it conforms to the Ordinance. She

assumes there is something in the Ordinance. Mr. Dubay stated that it won't affect her well. Typically the Board reviews and if they are not sucking water out of the overburden. The wells they are using are deep and they are not taking from that overburden from the gravel and sands that are there.

- Ms. Maloof-Winn stated she didn't read the June 15, 2012 document in its entirety. It needs to be looked at very carefully. The legal standard in this document is not the legal standards that are required. Do not place improper weight on this.
- Mr. Dubay asked Ms. Maloof-Winn what she believes the legal standard is because he thinks they did. Ms. Maloof-Winn stated it doesn't matter what she thinks, it matters what it actually is. Ms. Maloof-Winn stated look at page 5 (6/15 Fougere analysis). Mr. Dubay looked at page 5 and doesn't see where the legal standard is. Ms. Maloof-Winn believes it is incorrect.

The Chairman closed the public comment section at 8:45 pm.

- Mr. McLeod asked Ms. Wood when this application was filed. Ms. Wood stated the timeline was provided to the Board in their packet of 6/27/12. There are two timelines provided, one from Mr. Dubay and one from staff dated 4/13/12. The application was filed 2/25/11.
- Ms. Nysten asked Mr. Dubay if it was possible to slide down the house on the lot next to the Maloof's. Mr. Dubay stated they could but the lot is narrow there, there is a wetland and it would also be sliding it into the buffer.

Mr. McLeod motioned to grant relief from Section 619.7.3.3 in light of the variance that has already been granted and in light of the Fougere data to permit 25% of the 12 housing units to be WFH where 50% is required. Ms. Nysten seconded the motion.

- Ms. Post stated if the motion was just on the Fougere data, the consultants recommendation, and the Keach memo she would support it but is uncomfortable including the variance.

Motion passed 4 – 2. Ms. Webber and Ms. Post against.

Mr. McLeod motioned to grant relief from Section 602.7 to allow a 40 foot ROW where 50 feet is required as it reduces the overall impact. Seconded by Ms. Post. Motion Passed 6-0.

Mr. McLeod motioned to grant a waiver to Section 602.2.5.3 to allow up to the 4% for the 100 foot roadway profile platform where 3% is required as given the topography, this waiver allows for better integration with Meetinghouse Road and reduces the vegetative cutting. Seconded by Ms. Webber. Motion passed 6 – 0.

Mr. McLeod motioned to grant a waiver from Section 702.3 of the 2010 Subdivision Regulations to permit the applicant to adhere Design Standards now specified in Section 610 of the current Subdivision Control Regulations as this waiver recognizes that the project's

drainage will be improved and that it is in conformance with the Town's more stringent standards. Seconded by Ms. Post. Motion passed 6 – 0.

Ms. Post motioned to grant the WWPDP Special Permit to allow for drainage improvements along Meetinghouse Road, due to the fact that the activity would be very limited and the activity is justified by efforts to address broader drainage issues more effectively than would otherwise be the case. Seconded by Mr. McLeod. Motion passed 6 – 0.

- Ms. Wood clarified to the Board that on the WFH that any conditions the Board imposes on the applicant, the applicant will have a set period no less than 30 days if he feels it is unviable per RSA 674:60.
- Ms. Post question if the floor plans are being provided.
- Mr. Dubay stated that this is different than the other WFH project, which was a site plan of duplex's and this is an open space subdivision. They do show on the plans the approximate sizes of the houses, the garages and the topography. They have provided the Board with examples in the past for homes. They have never submitted floor plans for open space subdivisions. There are requirements in the Ordinances and building codes that they have to comply with. He can show floor plans when they come for a permit. He can share under administrative session.
- Ms. Post stated that the question is under the WFH. The WFH Ordinance has that requirement. Mr. Dubay stated Mr. Pliskin has no issues sharing house plans with the Board when they are designed for the WFH if the Board wanted to add a conditional approval. Ms. Nysten stated the Ordinance said for the entire project. The Chairman stated they can share all of them. Mr. Dubay stated they would be happy to share.

Mr. McLeod motioned to approve Conditionally Approve the Major Open Space/Workforce Housing Subdivision/Site Plan Application with the following conditions:

1. Layout Condition:

a. Per section 619.7.5.2 Representative floor plans, elevations, and driveway locations (etc.) must be submitted for the entire project as part of the application. The Applicant must present all building permits in this subdivision to the Planning Board for Administrative review to ensure this condition is met.

2. Notes on Plan:

a. Amend Note 619.5.3.9 on Sheet 3 of the plans set to reference the document "Meeting the Workforce Housing Challenge: A Guidebook for NH Municipalities," rather than the "NH WFH Guidebook"

b. Add a note to the Sheet 7 plan with the following statement: "NOTE: No structure may be erected nor shall any alteration of the surface configuration of the land be permitted in the

Wetland and Watershed Protection District, “per Section 601.4.8.1. (The note is on Page 3; however this sheet will not be filed with the Registry of Deeds)

c. Per Section 619.7.3.3 the applicant shall provide assurance that workforce housing units will be dispersed throughout the development. Add a note to Sheets 3 and 7 of the plan stating that “no more than two WFH lots shall be adjacent to each other.”

3. Financial Conditions:

a. The applicant has provided assurance that the dwellings qualifying for workforce housing shall be made available for occupancy on approximately the same schedule as the project’s market-rate units. A scheduling of the phasing of the total number of units is described on Sheet 3, Note 619.6.4. Said schedule shall be filed at the Registry of Deeds, and be properly updated with the Town Registry as a condition of release of building permits, per Section 619.6.4 of the *Zoning Ordinance and Land Use Regulations*.

4. Legal Conditions:

a. All conditions recommended in the 6/15/12 letter from Bernie Campbell, Town Attorney which are as follows:

i. **Declaration of Homeowners Association-**

The opening line of this document shall be revised. A “Realty Trust” is not an “entity” in the same way a corporation or Limited Liability Company is recognized as an entity. A Realty Trust is an agreement overseen by a “Trustee”. The opening line in this document shall be revised to match the opening line in the other items.

ii. **Declaration of Open Space Covenants-**

Language changes to Sections 6.3 and 7.1 shall be checked by staff.

b. The Town Attorney must review the legal documents to affirm that continued affordability of the units will be provided.

Ms. Post seconded. Motion passed 6 – 0.

Capital Improvements Plan (CIP) -Project Requests for Planning Board

- Ms. Wood stated if the Board had anything they wanted to add to the CIP, They do not have to add it this evening. The Chairman asked the Board to think about it. Ms. Post stated maybe the office had some needs.

Meeting Minutes Review and Approval

- The Chairman stated that they are trying to expedite the review process if they can by emailing changes to the Board and staff before the meeting. There will be no debating via email. She also

suggested staff can email the Board. Everything will be copied and placed in the file for public review. They can review at home and discuss at the meeting to approve. Staff can review and make edits as well. Board discussed that Ms. Pinette should have a Town email, and the Board will review amended minutes before they are posted.

May 9, 2012

Ms. Webber motioned to approve May 9, 2012 the minutes as amended, seconded by Ms. Nysten. Motion passed 4 –0 - 2 with Mr. McLeod and Mr. Sycamore abstaining.

May 16, 2012

- Ms. Nysten questioned if Ms. Maloney was in attendance. Ms. Pinette will check. Ms. Nysten added her amendments but did not comment on Case 2012-12 and then recused herself from the following discussion of Case 2012-12.
- Mr. Nysten would like to add some verbiage of his testimony that was not in the minutes and there were a few errors. He gave the Board a copy of what he wanted added and it was given to Ms. Pinette to add.

Ms. Webber motioned to add Mr. Nysten’s amendments, and accept the May 16th minutes as amended by the Board, seconded by Mr. Sycamore. Motion passed 3 – 0 - 3 with Ms. Post, Mr. McLeod and Ms. Nysten abstaining.

May 30, 2012

- Chairman Crisler, Ms. Post, and Ms. Nysten added their amendments. Ms. Maloney’s arrival time will be determined and added.

Ms. Post motioned to approve the minutes of May 30th as amended, seconded by Ms. Webber Motion passed 4 – 0 - 2 with Mr. Sycamore and Mr. McLeod abstaining.

- The Board discussed seeing these minute amendments before they are posted.

Member Binder Update

- Minor Site Plan Flow Chart
- Major Site Plan Flow Chart

Old/New Business

- The Chairman asked staff to provide everyone with the possible land sale on 22 Gaument Rd. Reply is needed by July 20th.

- Mr. Sycamore asked that if we now have two sets of WFH in Town will we have two sets of monitoring documents. The Chairman stated we don't know and Attorney Campbell will look at that.

Adjournment

Motion by Mr. McLeod to adjourn, seconded by Ms. Webber. Motion passed 6 – 0.

Meeting adjourned at 10:53 pm.

These minutes were approved August 1, 2012 and respectfully submitted by Cathy Pinette, Planning Board Minute Taker.