



*OLD VALUES - NEW HORIZONS*  
**COMMUNITY DEVELOPMENT**

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**Approved Planning Board Minutes**  
**July 11, 2012**

**Board Members:**

Margaret Crisler, Chairman – Present  
Ruth-Ellen Post, Vice-Chair – Present  
Pam Skinner, Member – Present  
Kristi St. Laurent, Member – Present  
Carolyn Webber, Member – Present  
Jonathan Sycamore, Member – Arrived at 7:04 pm

Lee Maloney, Alternate Member - Excused  
Ross McLeod, Selectman Alternate – Excused  
Kathleen DiFruscia, Selectman Member- Excused  
Sy Wrenn, Alternate Member – Excused  
Vanessa Nysten, Alternate Member – Excused

**Economic Development Committee**

Bob Young, Chairman – Present  
Dianne Connolly – Present  
Paul Gosselin – Present

Sally D'Angelo – Present  
Beverly Donovan – Present

**Staff:**

Laura Scott, Community Development Director  
Cathy Pinette – Planning Board Minute Taker

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

Chairman Crisler called the meeting to order at 7:02 pm followed by the Pledge of Allegiance.

The Chairman asked for a moment of silence for the Okerman Family.

The Chairman entertained a motion for the Board's condolences.

**Ms. Post motioned to express the Board's condolences to the Okerman family, seconded by Ms. Webber. Motion passed 5 – 0.**

The Chairman introduced the Board.

**WEDC Joint Meeting**

- WEDC Chairman Young introduced the Members of the Windham Economic Development Committee that were in attendance.
- Chairman Young stated he wanted to share the Mission Statement and the Strategic Plan which was in the Board's packets and is the same as the Board of Selectman approved when they formed the Committee. The Strategic Plan was completed last August in line with the rules the Board of Selectman had made. He asked the Board if they had a chance to look at them and what they thought. Ms. Webber stated it was very good, very aggressive but would like to see #3 (Land Use & Zoning Ordinances) working. She suggested the EDC work with the Community Development Office. Ms. Post commended the Committee on an ambitious list, she likes projecting a good image of the Town to attract businesses and employment. She suggested an inventory of current business and what the small business picture was. Mr. Gosselin stated that is in process of being completed. Ms. Scott stated that the Community Development Office has a list of over 386 businesses which will be uploaded to the EDC website soon.
- Chairman Young stated that the Mission Statement and the Strategic Plan are on the website for the public. At the May and June meeting goals, marketing education and outreach was discussed which are in the Board's packets with assigned Committee Members to those areas. They are working on recommendations for the Planning Board and the Board did a great job on the Design Regulations. Mr. Sycamore suggested video taping the meetings. Mr. Sycamore asked about metrics for commercial and residential. Mr. Young stated that is part of the Master Plan, currently 93% and 7% and they would like to see more. Ms. St. Laurent asked about capturing home based businesses. Ms. Scott stated they are on the list of businesses her office has, but they are not captured in the Assessor's database. Ms. St. Laurent asked about the first item of the Strategic Plan, to decrease residential taxes. Ms. St Laurent asked if the goal was to bring any businesses or those that provide services, or employment, etc. identified by residents in the survey and the Master Plan. Mr. Young stated there are metrics in the MP that speak to that and the Town survey aligned with the MP. Mr. Young stated those issues are being addressed by other boards. The Chairman stated that the purpose and reason for the EDC was to actively market new business into Town for tax positive growth. Mr. Young stated that they need to get input from the residents, and he hopes that will happen with their marketing and outreach.
- Chairman Young asked the Chairman how best they can work with them; he suggested a public forum and the Chairman agreed. The Chairman stated the Design Review Committee is in need of members.

The EDC left at 7:24 pm.

The Board took a recess at 7:24 pm and was back in session at 7:30 pm.

### **Financial Guarantees**

- Ms. Scott is working on older subdivisions that the Town is still holding money for.

## **Fox Crossing**

- Ms. Scott stated the Town is holding Letter of Credit for 73,000.00 for Mitchell Pond Ext. and Taylor Farm Road. There are still some outstanding items. The request is to reduce from the Letter of Credit from \$73,000.00 to \$7,500.00. The items are minor, looking for a copy of the deed, road issues regarding mowing, records that the deed has been reviewed and a cistern that needs minor items taken care of.
- Mr. Sycamore stated he would like details of the retaining wall. Ms. Scott stated the money was not put up by the developer, John Vachon, and was a one year construction bond from American Excavating. She is waiting for information from the Road Agent confirming the wall is fine. It appears it happened during the construction phase. The contractor said the work was done. Mr. Sycamore asked if they could ask to have the Letter of Credit stepped down to \$23,000.00. Ms. Scott stated the retaining wall was not Mr. Vachon's issue. The Chairman asked whose responsibility is if the retaining wall is not repaired. Ms. Scott stated it is the Town's as it was not part of the application.

**Mr. Sycamore motioned to recommend to the Board of Selectman to reduce the Letter of Credit from \$73,006.00 to \$7,500.00 for the Fox Crossing Subdivision Mitchell Pond Road Extension, seconded by Ms. Webber.**

- Ms. Post stated she would like a definitive answer on whether the Town is responsible if something is wrong with the wall or not. Mr. Sycamore stated that Ms. Scott clarified that the developer is not responsible. Ms. Post is not convinced, she feels it may fall back on Mr. Vachon.

**Mr. Sycamore withdrew his motion.**

**Mr. Sycamore motioned to recommend to the Board of Selectman to reduce the Letter of Credit from \$73,006 to \$22,980 for the Fox Crossing Subdivision Mitchell Pond Road Extension, seconded by Ms. Webber. Motion passed 6 – 0.**

## **Ryan Farm Road**

- Ms. Scott stated that the Town is holding \$25,000.00 cash for Ryan Farm Road, and there are multiple subdivisions. There are no outstanding issues or concerns with KNA or the Town Highway Agent and they recommend that the Town accepts this portion of Ryan Farm Road. There are items that need to be addressed with the Fire Department which should be done this week (the cistern), and legal issues that counsel is working with the developer on the deed, the developer has been made aware of them and they have no concerns resolving the outstanding issues. She would recommend to the Board of Selectmen to do a public hearing to accept this part of the road. She would not send to the Board of Selectmen for release and acceptance of the road until everything is completed.

- Ms. Post stated that in the past the Board has made sure all outstanding issues were complete before they released the money. She would like to see that here. Mr. Sycamore agreed with Ms. Post. The consensus from the Board was to wait.
- Ms. Scott asked if the Board would consider doing a partial release. The road is not the issue; it is the deed and the cistern. She recommends \$2,500.00 be retained.

**Ms. Post motioned to recommend to the Board of Selectmen to release \$22,500.00 and retain \$2,500.00, seconded by Mr. Sycamore. Motion passed 6 – 0.**

### **Orchard Blossom Estate Subdivision**

- Ms. Scott stated there are no outstanding issues or concerns by KNA, the Town’s Highway Agent or the Fire Department and they recommend that the Town accept this Road and release the Letter of Credit. Items that still need to be addressed with Legal Counsel are the deed which the developer has been made aware of and will work to resolve. Ms. Scott has been working with the bank as the Letter of Credit expires 8/1/12.

**Ms. Post motioned to recommend to the Board of Selectmen to release \$38,675.00 and retain \$2,500.00, seconded by Ms. Webber. Motion passed 6 – 0.**

### **Town Owned Properties**

#### **Review and Comment on Revised “Disposition of Town Real Estate Property Policy”**

- Ms. Scott stated that the Board of Selectmen is looking to revise the policy and is asking for input and comments from the Boards. They will be holding a hearing when ready to be adopted.
- The Chairman questioned the elimination of Section 1, part F, regarding the Planning Board and Conservation. Ms. Scott stated it has been moved up in the document.
- Ms. Webber stated in Section 1, D, “Board” should be clarified to say “Board of Selectmen”, Section 2 B “for sale” sign should say “for sale by the Town Of Windham” , and 1 – C add HDC and HC.
- Ms. Post stated in paragraph A & B a whole lot of responsibility seems to be shifting to the IT Department where it was once the Assessors Office. It is the Assessors Office who decides what parcels have the tax lien. She suggested that it be changed to provide for verification by the Assessors Office. Ms. Scott stated there seems to be a step missing of where the list came from. The IT Department does look at the Assessor’s database before posting. The Chairman acknowledged that the Town Administrator does provide the list to the Board of Selectmen.
- Ms. Post stated paragraph now G, was E, it looks like it give the Board of Selectmen the right to conduct a tax sale without it being approved by town warrant on town property. Maybe we still

want the voter's final say on that. The Chairman stated the Board of Selectmen can do that now. Ms. Scott stated if it was a deed property, it needs to go to town meeting, if it is a tax deed it can be sold by Town bid. The Chairman agreed. Ms. Post read the language. Ms. Webber stated in 2F it states how lots can be sold. Ms. Post wants to make sure that is intentional. The Chairman stated ever since 1994 the Selectman could convey tax deed properties by sealed bid, but not town owned property, like the parks, conservation, etc. Ms. Post reiterated it was a big change.

### **Recommendations to the BOS**

- Any time it says the "Board" it should say "Board of Selectmen"
- Address missing step before A about where is data coming from
- Assurance verification by the Assessors Office that the data is correct
- 1 - C – add HCC and HC to reviewing
- Bottom of page one seems the deletion seems to be a large change and we want to make sure that is correct.
- 2 - B for sale sign should be "For Sale by the Town Of Windham"

### **Review and Comment on Possible Sale of Lot 16-C-1 (22 Gaumont Rd)**

- Ms. Scott stated in the Board's packet is a letter from the Town Administrator and Joe Maynard on behalf of James Hardacre requesting the Town consider selling Lot 16-C-1 (22 Gaumont Rd) to him. This property abutters the Hardacre's property. They would like to place a septic system on the property as theirs has failed and use this lot for it.
- The Chairman stated it should be conditional that they use it only for a septic system. The Board discussed the map and where this property was. Ms. Scott suggested they could use it for the septic system and merge with their property. They are near Cobbett's Pond but not on the pond. The Board discussed what could be on this lot.

**Ms. Webber motioned to recommend to the Board of Selectman to sell Lot 16-C-1 (22 Gaumont Rd) for the purpose of a replacement septic system to service their existing home (Lot 16-C-2) and on the condition they merge the two lots, seconded by Ms. Post. Motion passed 6 – 0.**

### **Review and Recommendations on Current Town Property**

- Ms. Scott stated there are 77 town owned properties on the list. The Board of Selectmen would like input on selling, keeping, conservation, recreation, selling to abutters, etc. The Selectman will decide which properties to sell. The emailed list that want was sent to the Board is the tax deeded and others, not recreation, most are donations and gifts. Ms. Scott has looked at the list and has recommendations. The Chairman asked the Board if they would like Ms. Scott to email her recommendations. Ms. Scott will email the Board her recommendations. Mr. Sycamore asked about sealed bids and warrants. Ms. Scott said all gifts and donations would be a warrant and tax deeded are sealed bid. Mr. Sycamore asked if there could be a subcommittee from Recreation, HDC, and Conservation and have that group look at Ms. Scott's recommendations. Ms. Post

stated the multi-zoned project list was handled by a subcommittee and gave recommendations. The Chairman recommends the Board of Selectman should form a committee. Ms. Webber stated the parcels on Moekel Pond should go to Moekel Pond and the Frost Rd, parcels be put into the historic district. She stated there are lots of small lots on the lakes and if there is an adjoining parcel they should be saved in case they need new septic systems. The Town should keep the gifts. There was a discussion about gifts of land given to the Town.

**Ms. Post motioned in response to the Board Of Selectmen's request on list of Disposition of Town Real Estate Property on tax deeds and other sources that a Committee be formed to include a member of the Planning Board, Conservation Committee, Historic District Committee/Heritage Commission, Economic Development Committee, Recreation Committee, The Cobbett's Pond Improvement Association and a member of the Moekel Pond Village District to review the list and make recommendations to the Board of Selectman, seconded by Mr. Sycamore. Motion passed 6 – 0.**

### **CIP Project Request**

- The Chairman stated she had a memo from Ms. Wood dated 7/6/12 regarding the Master Plan. Ms. Wood recommends an updated Master Plan. The Board and Ms. Scott discussed the cost of an updated Master Plan as Capital Improvements are \$40,000.00. The Chairman stated that \$40,000.00 is too high for what the Master Plan updates need. Ms. Post thanked Ms. Wood for the reminder of this upcoming project. The Chairman stated there was nothing to submit for this year's Capital Improvements.

### **Member Binder Updates**

Rules of Procedure (Tab #3)

Non Public Sessions (Tab #5)

Design Review Regulations Application (Tab #10)

- The Chairman stated that she recently read that at non-public meetings, anyone who is present and not a Board member is not required to keep the proceedings confidential. Ms. Scott stated the Town does have a confidentiality/ethics policy for employees.

### **Meeting Minutes Review and Approved**

#### **June 6, 2012 and June 27, 2012**

- The Chairman requested postponing the minutes of June 6, 2012 and June 27, 2012. Ms. Scott asked if she could move these to the August 1, 2012 meeting. The Chairman stated yes.

May 30, 2012 (Non Public)

June 6, 2012 (Non Public)

**Ms. Webber motioned to accept as written the Non Public May 30, 2012 and Non Public June 6,**

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**2012 minutes, seconded by Ms. Post. Motion passed 4 – 0 -2. Ms. Skinner and Mr. Sycamore abstained.**

**June 20, 2012**

- The Chairman stated she had edits from Ms. Nysten dated July 9, 2012 with her additions, corrections, etc. and the Chairman had an additional change to Ms. Nysten's edits. This memo is available at the Community Development Office.

**Ms. Webber motioned to accept Ms. Nysten's changes in her memo dated July 9, 2012 for the minutes of June 20, 2012, seconded by Mr. Sycamore. Motion passed 4 – 0 – 2. Ms. Post and Ms. St. Laurent abstained.**

- The Chairman addressed Ms. Nysten's email of July 11, 2012. Ms. Nysten made two suggestions. Regarding the second edit, Ms. Skinner stated she doesn't feel that edit is pertinent to the minutes. But she does agree with the 1st edit of the time frame of 48 hours.

**Ms. Skinner motioned to accept Ms. Nysten's edit of the time frame of 48 hours in the minutes of June 20, 2012 in her email of July 11, 2012, seconded by Ms. Webber, Motion passed 4 – 0 – 2. Ms. Post and Ms. St. Laurent abstained.**

- The Chairman had edits that she made and changed one of the edits that Ms. Nysten had asked for. There was discussion about keeping the "motion" with the "second".

**Ms. Skinner motioned to approve the minutes of June 20, 2012 as amended, seconded by Ms. Webber. Motion passed 4 – 0 – 2. Ms. Post and Ms. St. Laurent abstained.**

- Ms. Scott stated that the process is that the approved amendments will be emailed to the Board and they have 48 hours from receipt to respond for edits that were missed, no new edits. If edits are not needed, they will be posted as approved. The Draft Minutes will be emailed to the Board. Edits are to be sent to the Board and Staff 24 hours in advance of the next time they are on the agenda.

### **Community Planner Staff Report**

- In the Board's packet.

### **Old/New Business**

- Ms. Post stated that the agenda for tonight's meeting did not appear on the website until late. Ms. Scott stated Ms. Devlin was not available, staff didn't know that and they cannot post on the website and it was posted at the Community Development Office and at the Town Hall. She stated if the Board does not see the agenda on the website to please let staff know.

- The Chairman stated that the July 18, 2012 meeting had a long agenda and she suggested the Board meet at 6:30 pm. She polled the Board: Ms. Webber yes, Mr. Sycamore will be late, Ms. St. Laurent yes, Ms. Skinner yes, Ms. Post possibly.
- Ms. Scott stated they have a watershed application, 4 public hearings, and Design Review Committee member interview. She stated if anyone has anyone who is interested in volunteering for the Committee to please have them contact her.
- Mr. Sycamore questioned if the Board was waiting for a court decision on 43 Range Rd. Ms. Scott stated they have a court date. She stated it was the property next to Delahunty's. It will be on the agenda next week. Mr. Sycamore thought the Board's policy was not to hear cases going to litigation. Ms. Scott stated she has to accept it and whether the Board hears it is their prerogative.

### **Adjournment**

**Ms. Post motioned to adjourn, seconded by Ms. Skinner. Motion passed 6 – 0.**

**Meeting adjourned at 8:56 pm.**

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