



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Planning Board Approved Minutes Wednesday, May 13, 2015

Planning Board Members:

Alan Carpenter, Chairman – Present

Kristi St. Laurent, Member – Present

Dan Guttman, Member – Present

Margaret Crisler, Member- Present (arrived at 7:05 pm)

Ross McLeod, Selectman/Alternate Absent

Paul Gosselin, Vice Chairman - Present

Ruth-Ellen Post, Member - Present

Joel Desilets, Selectman- Present

Kathleen DiFrusia, Alternate - Present

Staff Present:

Laura Scott, Community Development Director

Elizabeth Wood Community Planner

Anitra Brodeur, Minute Taker

Call to Order/Attendance/Pledge of Allegiance

The meeting was called to order by the Chairman at 7:00 pm.

Alternate Member Interviews

SNHPC Alternate Member

Ms. Elizabeth Wood introduced Ms. Eileen Mashimo who wrote a letter of interest to apply for a second term as an Alternate Representative on the Southern New Hampshire Regional Planning Commission (SNHPC).

Ms. Eileen Mashimo addressed the Board. She discussed several areas where she tried to “do her best” to represent Windham at these meetings. She asked that the discussion about her hire be made in public under Section 91-A Subsection C. Ms. DiFruscia and Ms. Post both spoke on her behalf.

A motion was made by Mr. Gosselin that the Planning Board make a recommendation to the Selectmen to allow a reappointment of Ms. Mashimo to the position of Alternate Representative Position of the SNHPC. Ms. Post seconded. 6-0-1. Mr. Desilets abstained.

Planning Board Alternate Member

Dave Oliver addressed the Board. He is applying for a 18-month appointment as Alternate to the Planning Board. Mr. Oliver mentioned the drive and desire required to sit on the Board; he is specifically asking for the two year position. Under the by-laws, all terms are three year terms.

As an aside, there was a discussion about whether or not there can be less than a three year term. Ms. Chrisler, Mr. Gosselin, and Mr. Desilets all spoke to the discussion. Mr. Oliver had served

out a one year term. Mr. Oliver, if he could choose, would like to choose to be elected to the 18 month term remaining.

Mr. Gabe Toubia addressed the Board. Mr. Toubia ran for an elected positions for Planning Board this past Town Meeting in March. Mr. Toubia took the time to summarize his past efforts to give back to the community. Mr. Guttman spoke in favor of Mr. Toubia’s appointment. Ms. Post also spoke to his “sincere motivation” and interest in serving on the Board. Mr. Gosselin asked if Mr. Toubia saw a potential scheduling conflict with his need to attend Planning Board meetings on Wednesday nights. Ms. Crisler noted that there is indeed a high level of participation by the alternates. Ms. Wood also discussed the importance of the alternates’ attendance.

Mr. Matt Rounds addressed the Board as a potential alternate Planning Board member. Ms. Post asked why Mr. Rounds has a special interest in the Planning Board. Mr. Rounds stated he had a passion for infrastructure. Ms. Chisler inquired about Mr. Rounds’ background. While Mr. Rounds has a background in engineering, he manages larger projects; the examples he gave were solar projects and retrofitting older buildings. His business is located in Merrimack, NH. Chairman Carpenter asked Mr. Rounds’ opinion about the potential pipeline project through New Hampshire; Mr. Rounds responded that he would like to see the end point of the pipeline be in Massachusetts.

Mr. Desilets made a motion to go into non-public in accordance with RSA 91-AC. Ms. Crisler seconded.

Roll call was taken.

Ms. St. Laurent- No

Mr. Guttman – No

Mr. Gosselin - No

Ms. Post – No

Mr.Carpenter – No

Ms. Crisler- Yes

Mr. Desilets - Yes

Motion fails. 2-5

Mr. Desilets made a motion to appoint Mr. Dave Oliver to the term that would expire on 10/2/16, Mr. Matthew Rounds to the term that would expire on 5/13/18, and Mr. Gabe Toubia to the term that would expire on 5/13/18. Ms. Crisler seconded.

Motion carries 7-0.

2016 Town Meeting Workshop – Market Square Overlay District

Mr. Al Letizio, Chair of WEDC and the Market Square Subcommittee, addressed the Board to provide an overview of The Market Square Overlay District Proposal. Ms. St. Laurent and Chairman Carpenter are both members of the Market Square Subcommittee, It will be up to the voters to adopt the proposal on the ballot in March 2016.

Mr. Ed Gallagher, Vice Chair of WEDC, was also in attendance, as well as Mr. George Fredette, from SFC Engineering, who provided the plans for the District and was in the audience.

Mr. Letizio reiterated the detail that the minimum lot size would be “50 contiguous acres”, hence, prohibiting “mini market squares” from popping up all over town. The overall concept of the Market

Square is a walkable downtown area (Lynnfield Market Square was specifically mentioned.) According to Mr. Letizio, in many ways, Lynnfield MA is similar to Windham. We, as a community, aspire to perhaps a similar model from an economic, demographic, and aesthetic standpoint.

11-C-300 is the Map number discussed by Mr. Letizio. 11-C-350 is another access point that was also mentioned by Mr. Letizio so that the Board might be able to conceptualize potential access points to the parcels. There is another unlabeled piece of land that also abuts these two lot that is currently part of the I-93 ROW. Mr. Letizio would like to work with the Planning Board to put this proposal on the ballot for 2016. This is not a hearing; this is a workshop.

Mr. Desilets would like to clarify that there was unanimous support from the Planning Board to put forth the “right” proposal when this was last in front of the Board in December. This proposal does not allow for drive-thrus.

Ms. Crisler indicated her concern about the topography in the area of the proposed access off the new Rt 111. Also, she asked if the DOT has relented in terms of a right in/right out traffic flow on Rt 111. It was stated that the access would be right in/right out on Rt 111. Ms. Crisler stated her concern that the Market Square Overlay would not be specific enough so that another “strip mall” or another developer could put in “whatever they like” instead of the goals of the community.

Mr. Gosselin addressed the issues around this becoming a “conventional strip mall” as opposed to what the community desires. Mr. Gosselin also clarified that this would be the ONLY area that could be a Market Square Overlay District. The map would be adopted as part of that ordinance.

The question was asked if the property owners were in favor of the proposal. Ms. Scott stated that she sent letters to the property owner’s after the workshop was held in April about the proposal and did not receive any negative feedback. Ms. Scott has talked to DOT and the Town Administrator, who have not taken a position on the proposal. She has also spoken with Windmill Equipment; this business is still PBT (Professional Business and Technology District) which allows manufacturing and he will be allowed to continue without a problem with this Overlay proposal.

Proposed Section 6.23.10 also speaks to the size of units allowed, to address Mrs. Crislers point. The buyers and renters would still need to follow the adopted Site Plan Regulations and Design Regulations, in addition to the proposed zoning ordinance.

Ms. DiFruscia would like to know if a market study has been done to support this kind of project. There are a lot of places in town that allow retail. Is this viable and sustainable? She stated she had contacted Mr. Rex Norman, retired tax assessor, to discuss how much the taxes would increase.

Ms. DiFruscia asked if a traffic study been done? What is the cumulative impact? Mr. Gosselin indicated that it would be difficult to do a traffic study on what does not exist. Chairman Carpenter stated the need for a traffic study which would be possible prior to the Market Overlay District being established.

Ms. Difruscia feels as if this may be the equivalent of a mall. Ms. Difruscia would like to reiterate that this is Windham, not Lynnfield.

Ms. DiFruscia asked how much acreage can be developed?

Mr. Gallagher addressed the Board to state that the Market Square Overlay District Committee was interested in increasing the quality of life for those in the town. He would like to see the Planning Board set a distinct charter as part of the Master Plan.

Mr. Guttman also addressed his concerns. What is the need that this project is actually meeting? What services will this displace? Who is the target customer? There are pluses and minuses to attracting others to come to our community. What would we do that would make this a draw? How is this going to be the “high-end classier component” to a mall or shopping destination? These are some of the questions Mr. Guttman asked to capture his ethical questions around such a project.

Ms. Post addressed the Market Square District Subcommittee. Line by line, Ms. Post read from the Purpose and Location (602.1) for the Market Square Overlay Project. Ms. Post’s concerns are that all of the same uses also exist in the current Village Center District. What is the committee’s view between this Market Square and the current Village Center? How are they to work together?

Mr. Letizio indicated that the Subcommittee was attempting to support the increase population and the suggestions that were contained on the surveys that were distributed to Windham citizens.

Ms. Post continued. What makes the Committee believe that the builders are eager to build in this area? How have the landowners responded to this development? Has the Economic Development Committee done any research into what kind of jobs would be available through this Market Overlay District?

Mr. Gallagher also discussed the Market Square Overlay District as an attractive place for a variety of populations.

Ms. St. Laurent addressed the Board. How do we draw people across the life span? How do we attract young professionals? The scale of development that will happen in the current village center is different than in this proposed center.

Chairman Carpenter stated that there are a handful of developers that would take on this project with a 50 acre minimum.

Mr. Guttman would like to know what makes this so different than what is already here. Mr. Letizio indicated that sometimes businesses are energized when they are pieced together.

Chairman Carpenter opened the workshop to the public.

Mr. Steve Zanes of 81 Pleasant St. addressed the Board. Mr. Zanes came to the meeting looking forward to seeing a “plan” that he could look at. Mr. Zanes would like to know what will happen to

the Village District if this new development is taking the time, energy, and money from the population.

Mr. Jonathan Sycamore of 15 Cobbetts Pond Road addressed the Board. Mr. Sycamore would like to see the energies of the town be put into the current projects that are beginning to develop. Mr. Sycamore referenced the survey that was put out the residents. Where would the citizens like to see this development?

Ms. Eileen Mashimo of 3 Netherwood Road addressed the Board. Her concern was around how many children would be living in these potential two bedroom condominiums as part of the Market Square Overlay Project and how this would impact services (i.e. schools, water, sewer, etc...)

Mr. Desilets addressed the Board. He spoke to the market rate units not being as large a tax burden or perhaps even a tax benefit. There is Class A office space available in the plan that is not seen in the retail market place.

Mr. Gallagher was very appreciative of the questions raised by the Board. He would like to preserve the uniqueness of Windham He would like to keep this a bedroom community as well. Mr. Gallagher thinks this will add a benefit to the community. He asked for the support of the Board.

Ms. Crisler would like to see a workshop to take it to the “next level”. Mr. Gosselin also addressed the need for an Economic Development Committee to address the specific needs of the abutters and the potential impacts.

Mr. Letizio addressed the Board once again. He was very interested in having all of the questions of the Planning Board, and the community, answered. There will be lists of questions. One list will be drawn from the meeting tonight. One list will be drawn from additional questions from the Planning Board.

Chairman Carpenter spoke to the need for the Planning Board to prepare this in preparation for the Ballot in 2016. The input of EDC (Economic Development Committee) is needed.

The Chairman polled the members to see how they were feeling about the process. Ms. Post was interested in having the EDC to continue to work the questions. Seven of the eight attending board members were interested in having the board take ownership of the process.

Mr. Letizio indicated that he could be ready for a July 8th workshop. The Chairman stated that public comment would be limited and EDC input would be invited.

Ms. Crisler would like to walk on the properties. The DOT and town land is available to walk, with notice, one of the private parcels is not available for a site walk and Ms Scott will reach out to the other 2 parcel owners to request access. Ms. Scott stated she would try to schedule a site walk prior to the July 8th meeting..

The Chairman thanked the EDC for all their work.

Possible Town Lot 20-D-2000 Land Sale - Review and Comment

The Chairman invited the comments of the Board. Mr. Gosselin spoke to the conservation aspect of the property. He stated that it was important to consider the perspective of abutting property owners, as he feels it is unjust to sell the land if an abutter did their due justice and researched the surrounding properties prior to making their purchase.

Mr. Desilets spoke to the need for more research. Ms. Crisler is opposed to selling it. Ms. Post agreed with Mr. Gosselin. Ms. St. Laurent voiced the concern of what the abutters might think of this. Perhaps, this is one of the ways the town can make some money for some of the projects. Mr. Guttman understands it is possible to sell conservation land, yet, he also understands the public is opposed to this at this time. The projects that would be paid for are very worthy, according to Mr. Guttman.

Chairman Carpenter spoke to the land swaps that have occurred between developer and town. The residential abutters do not yet exist as the construction in the new and proposed abutting subdivisions has not commenced. The other abutters are current conservation land. Also, the Gage lands can also be accessed from this property as well.

Ms. Crisler made a motion that the Planning Board make a recommendation for the Selectman to not sell the parcel in question. Mr. Gosselin seconded. 3-3-1. Mr. Desilets abstained. The Motion failed.

Chairman Carpenter made a motion that the Planning Board does not object to the disposition of this land based on its lack of impact to the planning of the community. Mr. Guttman seconded. 2-4-1. Mr. Desilets abstained. The motion failed.

The Planning Board was unable to reach a consensus.

Financial Releases

Ms. Post made a motion that the Planning Board recommend to the Board of Selectmen to hold a public hearing to accept Outlook Road and any associated easements, and release the \$20,000 cash financial guarantee, plus any accrued interest. Seconded by Mr. Gosselin.

Vote 6-0-1.

Ms. Post made a motion that the Planning Board recommend to the Board of Selectman to reduce the Letter of Credit for McIntosh Hollow Road (Stations 0+00-12+00) from \$192, 682 to \$20,472.00 to cover outstanding components and engineering and contingencies. Seconded by Mr. Gosselin.

Vote 6-0-1.

Rules of Procedure Workshop

Ms. Post stated that she looked over Ross McLeod's edits and they were all grammar related and she was in agreement.

The Board and Staff checked the two references to State Law that were also proposed to be updated.

A motion was made by Chairman Carpenter to accept Mr. McLeod's suggested edits and move them to Public Hearing. Seconded by Ms. Crisler. **Vote 6-0.**

Date of the Public Hearing to be determined by staff.

Meeting Minutes – Review & Approve

April 1st Meeting Minutes

Ms. Crisler made a motion to accept the minutes once changes have been made. Seconded by Mr. Guttman.

Voted 6-0.

April 8th Meeting Minutes

Ms. Crisler made a motion to accept the minutes once changes have been made. Seconded by Mr. Gosselin. **Voted 6-0.**

April 15th Meeting Minutes

Mr. Guttman made a motion to accept the minutes once changes have been made. Seconded by Mr. Gosselin. **Voted 6-0.**

Mr. Gosselin made a motion to adjourn at 10:30 pm. Seconded by all. **Voted 6-0.**

These Minutes respectfully submitted by Anitra Brodeur with edits from Laura Scott and Elizabeth Wood