



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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[www.WindhamNH.gov](http://www.WindhamNH.gov)

**Approved Planning Board Minutes**

**Wednesday, December 16, 2015**

**7:00pm @ Community Development Department**

**Alan Carpenter, Chairman-Present**  
**Dan Guttman, Member-Present**  
**Ruth Ellen Post, Member-Present**  
**Joel Desilet, Alt/Selectman-Present**  
**Kathleen Difruscia, Alt/Member –Present**  
**Dave Oliver, Alt/Member-Excused**  
**Kristi St. Laurent, Member – Arrived 7:20pm**

**Paul Gosselin, Vice Chair-Present**  
**Margaret Crisler, Member-Excused**  
**Matt Rounds, Member-Present**  
**Ross McLeod, Alt/Selectman-Excused**  
**Gabe Toubia, Alt/Member-Present**

### **Staff:**

**Laura Scott, Director Community Development**  
**Elizabeth Wood, Community Planner**  
**Suzanne Whiteford, Minute Taker**

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

**Mr. Toubia seated for Ms. Crisler**

**2016 Town Meeting Workshop – Vernal Pool Buffer (Section 716)**

**Rick Van de Poll, Wetland Scientist**

Reviewed Vernal Pool Habitat Protection and buffers

Recommends to remove the ordinance from the warrant for this year and take the year to work on it for next year's warrant

Mr. Gosselin asked that directional buffer is not state recognized, does that mean NH does not legally recognized directional buffers. What is the impact on the town

Local ordinance subject to state law for town to meet the state minimum

Mr. Guttman asked about the minimum size of 500 square feet

Mr. Van de Poll responded

Mr. Guttman asked how we do the identification outside of season.

Mr. Van de Poll suggested to observe provisional determination. During season where obligate species cannot be identified, conditional authority to make a decision during off season in the absence of

Mr. Guttman asked Mr. Van de Poll if he has come across language that could be adopted for provisional determination during off season

Mr. Van de Poll does not have any knowledge of adoptable language

Grandfathering

Mr. Van de Poll clarified positive determination can only be made during the spring

Ms. Post asked if Mr. Van de Poll sees it as a conditional use process

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Mr. Van de Poll confirmed that he does see this as conditional use, not all vernal pools are the same. Conditional use permits are favorable for the Planning Board and the applicant

Mr. Toubia asked what distance Mr. Van de Poll recommends

Mr. Van de Poll is in favor of directional, site by site basis with a minimum, directional buffer is a positive solution. It will be included in the state ordinance

Gabe asked why proof of life is not required.

Mr. Van de Poll existence of a is proof of life

Gabe asked if there is data available regarding life expectancy based on distance

Mr. Van de Poll is aware of a study done in Massachusetts by Bryan Windmiller. However, it may not be reliable.

Ms. DiFruscia asked is there any mechanism to predetermine the vernal pools so they can be mapped. Time is limited to identify the vernal pool.

Mr. Van de Poll believes it is one of the best investments a town can make regarding mapping vernal pools.

Currently working with vernal pool advocates that are placing vernal pools on a map. Once it is in the database with the town.

Chairman Carpenter asked the Planning Board if the ordinance language gets tabled for next year or adopt language ordinance for this year's warrant

Ms. St. Laurent agrees to table for the warrant this in anticipation of the state guidance coming out

Mr. Guttman, Mr. Gosselin, Mr. Toubia, Ms. Post, Mr. Desilets, agree with

Chairman Carpenter believes some language can be adopted and a modification for this year and continue work for next year.

Wayne Morris, Chairman Conservation Committee

Language changes can be easily made this year.

**Motion by Mr. Guttman to adopt the proposed language changes for the Vernal Pool Habitat Protection ordinance excluding the section on buffers to public hearing.**

**Second by Ms. St Laurent**

**Vote 4-3-0, Mr. Gosselin, Ms. Post and Mr. Desilet opposed, for reasons previously stated.**

### **2016 Town Meeting Public Hearing - Professional, Business and Technology District (Section 614.2)**

To amend Section 614.2.14 to delete "manufactured or assembled on site"; add Section 614.2.14.1-614.2.14.3 to limit the area dedicated to retail sales to no more than 10% of the districts project's total occupiable sq ft, to limit a single retail tenant space to no more than 7,000sqft, to not allow more than 50% of the retail tenant space can be along the property fronting on a Class V or better street, and to integrate all retail and restaurant uses through the plan; and to add Section 614.2.19 "Pharmacies with no drive thru up to 7,000sqft in size"

Mr. Desilet recalls the Planning Board worked on language that included an exception for a drive thru and the exception would be eliminated. It was not Mr. Desilet's understanding the language would not specifically state "with no drive thru."

Ms. Scott recalls Mr. Rounds made a motion including the language "with no drive thru."

Mr. Desilet recalls the language was part of a conversation and not made in a motion. Mr. Desilet reviewed Attorney Campbell's suggestions and found the language/suggestions to be subjective. Mr. Desilet's did some research and came across a town similar to ours in Florida. The town (in Florida) attempted to limit formula retail by disallowing a Walgreens as a way of eliminating chain stores. The case made its way to the 11<sup>th</sup> circuit court of appeals where it ruled in 2008 that the town was unable to demonstrate preservation of a small town community as valid justification in large part due to the town already having a number of preexisting formula

retail businesses; much the same as Windham has preexisting businesses. Further they found their town ordinance discriminated against interstate commerce by being tailored towards similar small scale businesses. Another initiative in the Florida town to limit commercial tenant sizes to 10,000 sq. ft. failed to gain community support. Mr. Desilet is concerned with the proposed square footage limit the Planning Board risks violating the commerce clause in Article 1 Section 8 of the United States Constitution. Designing the ordinance to discourage formula retail by specifically disallowing a pharmacy will have a disproportionate burden upon interstate commerce namely the effective exclusion of interstate formula retailers clearly outweighing any legitimate local benefits. Mr. Desilet recommends the pharmacy size limitation be limited.

Ms. Difruscia believes the answer to the above issues brought up by Mr. Desilet would be to prohibit retail in the PB&T. Ms. Difruscia encourages residents to look at all the permitted uses within the PB&T; most people don't understand all the permitted uses.

Chairman asked Mr. Desilet if he is primarily concerned with the 7000 sq. ft. or the drive thru.

Mr. Desilet is primarily concerned about the 7000 sq. ft.

Ms. St. Laurent commented that the Planning Board's intent is preserving the purpose of the district. Proposing a size limitation to preserve the purpose of the district and not for the purpose to keep a small town feel. Ms. St. Laurent believes the size limitation is defensible.

**Motion by Mr. Guttman to open for public hearing**

**Second by Mr. Toubia**

**Vote 7-0-0**

**Motion carries.**

Mr. Gosselin believes the proposed 10% retail limitation is defensible. Mr. Gosselin believes singling out pharmacy to limit the size to trying to preserve PB&T zoning, capping it at 7000 sq ft could be a problem if we single out pharmacies. Trying to limit 7000 sq ft for a pharmacy will be a challenge to uphold.

Chairman Carpenter believes 614.10.2 is defensible.

Mr. Guttman suggested to add language that changes to the ordinance be dependent on the passing of the master plan; without updating the master plan we impede our ability to comment on this section.

Mr. Gosselin commented that the existing master plan stays in effect until there is a new one; can't tie the two together.

Ms. Post mentioned that phase 2 of the master plan still governs us. There are specific numerical goals regarding retail in phase 2 of the master plan. There is a relentless push for increase retail. The proposed Market Square will have a significant retail presence if it passes. Ms. Post is opposed to this proposal due to an excess push and plan for retail. There is no assessment of where we are currently and where it will take us in the future. Ms. Post is not convince the pending retail is sustainable; and could lead to vacant store fronts. The numeric goals in the master plan are very specifically laid out. Ms. Post read the numeric goals from the Master Plan. Ms. Post believes we may have probably achieved the goal, and it is possible that it has been exceeded. Ms. Post is inclined to slow down on retail until we know where we are now, how much more we can sustain.

Chairman carpenter opened the hearing to the public.

Betty Dunn

- Urges the Planning Board not to amend the zoning to the PB&T district.

- Delay in some of the development is due to the fact that when 93 and 111 were set, and everyone knew where the roads were going to go, it was less likely for someone to make the investments until that work is completed. The potential for PB&T is better now that it is completed.
- Having professionals work and live in the same town was the goal of the PB&T.
- Twice the voters have been asked to rezone a major PB&T district, twice they voted no.
- The voters don't want strip malls.
- Recent publicity on Londonderry improved tax rate while they added services. It happened because they got 3 major business developments with increased in jobs.
- Suggest to wait for the next master plan.

Ms. St. Laurent clarified that the Planning Board was never talking about nor intending to develop strip malls. We are talking about allowing ancillary retail to be added to the PB&T.

Mr. Valentine thinks the ordinance should be moved along to the warrant. Gateway project was mentioned as including retail. There is no proposed retail in the Gateway project. Laura confirmed there is no retail proposed for the gateway project.

Mr. Valentine commented that the master plan numerical goals come up to adding 141,000 sq feet of retail. Based on what has been built in the past 10 years, it doesn't look like the town has reached 141, 00 sq ft.

Chairman Carpenter suggested to send it to public hearing minus the last section. If the pb&t wants a pharmacy let them account for it in the 10% retail.

Mr. Toubia agrees with Chairman Carpenter.

Mr. Desilet believes the Planning Board should put this forward in its current form, and replace the first sentence with Attorney Campbell's suggested language; it is in appropriate form to put before the voters.

Ms. Scott suggested if there is a change in the language to have another public hearing.

Motion by Mr. Guttman to adjust section 614.2.10.3 with the wording from Attorney Campbell and strike section 614.2.19 and post for public hearing.

Second by Mr. Desilet with discussion

Mr. Desilet feels like the need and the value and complimentary nature of a pharmacy and it is hasty to remove the language prohibiting pharmacy as an allowed use. Mr. Desilet would like to have the language allowing a pharmacy back into the ordinance. The way it is written we could end up with a Chili's restaurant and that would be the only existing structure.

Ms. Difruscia commented that if the ordinance left in as it was written, the only existing structure on the site could end up being a Chili's, a Walgreens, or a Costco. Ms. Difruscia commented we have two pharmacies in town. CVS is a drive thru. Ms. Difruscia's experience is if you seek medical care out of the community the prescription will be called into the local pharmacy. Ms. Difruscia does not see the compelling need to add a pharmacy. Adding retail to the PB&T (a pharmacy) takes away the spirit and intent of the ordinance by taking away the balance.

Ms. St. Laurent does the opposite, her experience is she goes to the drive thru pharmacy next to the pediatrician.

Ms. Post commented that pharmacies are specifically complimentary to permitted use. 10% retail will in no way compliment the professional space. Ms, Post is opposed to the amendment.

Laura wants to move the second sentence of section 614.2.10.3 to the design section of the same ordinance.

Mr. Desilet removed his second

Mr. Guttman amended his motion to move the second sentence section 614.2.10.3 to the design section of the same ordinance.

**Second by Mr. Toubia**

**Vote 6-1-0 Ms. Post opposed**

**Motion carries**

Ms. Difruscia recused from the Planning Board and will be making comments as a member of the general public

**Conceptual Application – Ledgeview at Windham Major Site Plan (102 Indian Rock Road/82 Range Road)  
JD LaGrasse & Associates gave a presentation for Ledgeview at Windham**

Ms. Post commented that corporate will be looking for a hotel. Ms. Post Questions how appropriate it is to compare Windham to Westford, Westford is twice the population, different state, and different topography. Ms. Post asked the applicant what is the source of water and waste management in Westford?

Applicant, responded town water in used Westford. The applicant will create a waste management system if needed.

Ms. Post commented that the main purpose of a conceptual discussion is to see basic of the plan to identify potential problems. Ms. Post would like to start with where is water coming from and what will you plan for waste management.

Applicant assures there is a plan for water supply and waste management. The applicant commented they know we can make it work one way or another. The applicant is unable to specify how it will be managed. The applicant commented the options have been explored and very confident it has already been solved; multiple options are available. We would not be spending the money if we did not think we can make it happen.

Ms. St. Laurent is concerned of the gateway #2 and #3, what will be seen will be back of buildings and parking. Ms. St. Laurent encouraged the applicant to keep in mind what the purpose is of the gateway. Ms. St. Laurent commented we do need a hotel.

Applicant will take it into consideration. The presentation is to show an example of the high quality buildings proposed

Mr. Guttman asked about the porous pavement with the proposed amount of large amount of parking. Would like to see more from a green perspective, offers from an architectural appeal identify a percentage of solar power, something that makes it more green.

Ms. Post agrees that the extent of pervious surfaces is an issue. Ms. Post suggested multiple level parking as a way to decrease the amount of parking surface. Also to cut down on the amount of pervious surface, change one story buildings to two story buildings to achieve the same footprint and decrease pervious surface

Chairman Carpenter commented that the community has a long history of taking care of the watershed. Property sits between two large bodies of water and the Planning Board will take great scrutiny over it.

Chairman Carpenter opened the hearing to the public

Kathleen Difruscia, Horseshoe road

- Per the proposed master site plan in this district looking for open green space and walking and biking places, not seen anywhere in the proposal.

- Would like to see a lot more green space.
- Looks different from what was done at Westford with all the connected buildings.
- Where exactly are the boundaries of the park and ride.

Applicant pointed out the boundaries of the park and ride.

Derek Monson

Suggest adhere to the town ordinances, and don't apply for variances.

Mr. Desilet thanked the applicant for the great presentation. Mr. Desilet commented on the useful public space component and asked what type of connectiveness can be built in. Incorporating a modestly sized parking garage could help with the pervious surface.

Mr. Gosselin commented if possible, attach a driveway from the park and ride to the facility.

Robert Walker Met with DOT, and is agreeable to attach a driveway to the park and ride. There are over one miles of sidewalks on the plan, not able to see that level of detail on the current plan.

Chairman Carpenter assuming there is an increase in traffic off of 93, is there an opportunity to take traffic off 111 before reaching the light.

Robert Walker replied there is a restriction going off the roadway, DOT can't waiver. Federal funds are used for the park and ride,

Ms. Scott commented the design regulations for the gateway district will have to be adhered to by the applicant

Chairman Carpenter is familiar with the Westford development. It is a high quality and tastefully done development. The Planning Board role is to balance what is best for the community. The commitment is to the community and not to the developer.

### **Ms. Difruscia rejoined the Planning Board**

#### **Public Hearings**

##### Case #2015-31 Minor Site Plan Application 2 Rockingham Road (Lot 13-B-1)

A Minor Site Plan application has been submitted for Rogers Automotive, which is located at 2 Rockingham Road (13-B-1), in the Business Commercial A Zoning District and the WWPD District. The applicant, Labrador Enterprises LLC, is proposing to change the current landscaped island to a parking area approximately 1,050 sq. ft. in size. No other changes are being proposed. Per Section 303.5 of the Site Plan Regulations, if the application does not qualify as a Minor Site Plan then it will be deemed a Major Site Plan & the application will be heard as a Preliminary Major Site Plan Application

Motion by Mr. Gosselin to open as a minor site plan

Second by Ms. Post

Ms. St. Laurent requested the list of criteria for a minor site plan and a drawing be made available for review.

Dennis Rogers,

- No designated parking spots, nothing is marked
- Proposing to decrease the size of the island fill in about 1000 sq. ft. of what was at one time WWPD.

Ms. Scott read the minor site criteria for Case #2015-31

Chairman Carpenter asked if this being a minor application is predicated on this no longer being WWPD  
Ms. Scott confirmed

Ms. Post WWPD and wetland are not the same and they are being used interchangeably.  
The wetland scientist is telling us it's not wetland any longer, but not telling us that it's no longer WWPD

Chairman Carpenter commented if there is not wetland you can't have a WWPD

Ms. Post talks about the inspection was not an island a detention basin was inspected.

**Motion by Mr. Gosselin to open as a minor site plan**

**Second by Ms. Post**

**Vote 7-0-0**

**Motion carries to open as a minor site plan.**

Mr. Gove

- In the center of the parking area was a low spot that was raised up.
- The low spot in the past has functioned to contain water.
- It was not originally there as a wetland.
- There are no wetland plants there, and the basin is stone, no standing water, and no evidence of any standing water.
- There is no wetland, no WWPD, and no wetland has developed within the basin.

Ms. Post asked if the detention pond is one in the same as the island

Mr. Gove, yes they are the same thing.

Chairman Carpenter asked Mr. Rogers about the fence.

Mr. Rogers wants the fence to stay; it's just for landscaping

Ms. St. Laurent is glad there is going to be some green retainers.

**Motion by Mr. Gosselin to approve Case #2015-31 Minor Site Plan Application 2 Rockingham Road (Lot 13-B-1) A Minor Site Plan for Rogers Automotive, which is located at 2 Rockingham Road (13-B-1), in the Business Commercial A Zoning District and the WWPD District for proposing to change the current landscaped island to a parking area approximately 1,050 sq. ft. in size. No other changes are being proposed. Per Section 303.5 of the Site Plan Regulations, if the application does not qualify as a Minor Site Plan then it will be deemed a Major Site Plan & the application will be heard as a Preliminary Major Site Plan Application**

**Second by Mr. Toubia**

**Ms. St. Laurent requested an amendment that an as built be provided when it is done**

**Vote 7-0-0**

**Motion carries**

Ms. St. Laurent verbalized the case was confusing to review. Ms. Scott apologized for not including the criteria.

Ms. Post is recused from Case #2015-26

Ms. Difruscia is seated for Ms. Post

**Case#2015-26/Bella Vista/55 + Housing/Major Preliminary Site Plan/Watershed/WWPD Special Permit (Continued from 11/18/15)**

A Major Preliminary Site Plan for 55+ Housing; and Major Watershed/Wetland and Watershed Protection District (WWPD) Special Permit Applications have been submitted for 98 Range Road (17-I-300), a 9.47 acre lot (412,513.2 sq. ft.), located in the Rural District Zone, Cobbetts Pond and Canobbie Lake Overlay Watershed Protection District, and WWPD. The applicant, Peter Zohdi, of Edward N. Herbert Associates, Inc., on behalf of Chadwick Asset Management Land Holdings, LLC., is proposing to construct fifteen (15) single-family, detached housing units for residents ages 55+, in adherence with Section 610 of the *Zoning Ordinance* pertaining to Housing for Older Persons. A 24' porous private driveway/road is proposed off of Range Road to access the development and two bio-retention/detention pond areas are designated for drainage. The homes are proposed to be served by two (2) onsite wells and onsite leach fields. A 5' walking trail is proposed along the perimeter of the property. A WWPD Special Permit is being requested for the installation of road shoulder work and a portion of the 5' walkway for a permanent disturbance of 11,500 sq. ft. to the WWPD. A total of 7.66 acres (333,669.6 sq. ft.) or 80% land area is proposed for open space.

Applicant Mr. Zohdi told the Planning Board he is changing the name of Bella Vista.

Ms. Difruscia commented that after the site walk it looks contiguous. With regards to the wetland in the adjacent area, how is the drainage going to be proposed so there won't be additional flooding. Ms. Difruscia supports a wetland scientist taking a look at the area; this is a tremendously wet parcel. Ms. Difruscia commented that the stream that runs along the property will require some consideration.

Mr. Zohdi invited the conservation commission and a wetland scientist to the site walk. Mr. Zohdi wants Mr. Gove to address the issue of wetland

Chairman Carpenter opened the hearing to the public.

Wayne Morris asked Chairman Carpenter if he will you be reading conservation comments

Jo Bradley,

Concern about the stream that runs along Bella vista and would like to have it discussed

Chairman carpenter read the conservation commission comments dated 12/9/15 into the record.

Mr. James Gove

- Original delineation 10/2012, at that time there were a whole bunch of trees, delineation was done prior to any cutting and a house was still there.
- High intensity soil survey was done 2014, test pits were done, actually standing in, test point #2 18 inches, 26 inches below seasonal high water table.
- Lot of soils don't typically transform that quickly.
- No connection or hydric soils when Mr. Gove was there.
- Mr. Gove was at the site one week before the site walk, noticed ruts and vegetation, and still no hydric soils.

Chairman Carpenter asked if anything has essentially changed.

Mr. Gove commented no change from soils but change from vegetation perspective. Mr. Gove has not seen any hydric soils develop in the area.

Mr. Gove commented the water table was 18 inches below his mapping in March 20, 2014

Mr. Guttman commented on the prevalence of the cattails and amount of water walked that existed during the site walk. A significant amount of terrain changed when the trees and tree routes were removed. Mr. Guttman asked Mr. Gove if he was consulted when the significant amount of regrading that occurred after the cutting. Mr. Grove was not consulted about the regrading after the cutting

Chairman Carpenter asked if there is a WWPD setback reflected in the plan for the ditch

Mr. Grove commented there is not WWPD off the ditch. This is not a stream, it is a ditch. It is dry in the summer time.

Mr. Guttman clarified that it was dry in the summer when the trees were still in place. If it is manmade running through wetland it is a ditch and not a stream.

Ms. Difruscia asked Mr. Gove on what basis did he make it was a man made ditch rather than a stream or a brook that was in existence.

Mr. Grove explained there was no geological survey sheets that indicated it was a stream. No evidence in aerial photos. No defined channel coming into the man made pond noted on the plan. It runs straight which indicates man made.

Ms. Difruscia should require an independent evaluation of the area be done as suggested by the conservation commission.

Mr. Zohdi invited anyone from the conservation commission to come on the site walk.

Mr. Zohdi distributed an email from Andrew Prolman to be entered into the record and case file. Mr. Zohdi is in agreement with the conditions/requests from Attorney Prolman on behalf of Lisa Nikitas.

Chairman Carpenter asked why isn't a pump house and storage facility on the plan

Mr. Zohdi commented the plan won't need huge pump houses.

Ms. Wood confirmed that a yield plan was submitted.

Chairman Carpenter asked about the plan for snow removal, snow storage, particularly in the the cul de sac

Mr. Zohdi commented there are 3 areas for snow storage is on the plan to be submitted to Mr. Keach

Ms. Difruscia asked if Mr. Gove reviewed the lake view plan when he was looking at the wetland issue with regards to the so called ditch on the current plan. Mr. Gove did not look at the plan.

Chairman Carpenter asked Mr. Zohdi how would it impact the plan if the PB asked him to have a WWPD setback for the ditch.

Mr. Zohdi replied it would make the units closer together.

Mr. Guttman recalls the buffer larger during the site walk than is displayed on the plan

Mr. Zohdi commented that if the Planning Board wants a 100 feet around the ditch, it can be done.

Wayne Morris,

- Mr. Zohdi is right, he did invite us to the site walk
- Mr. Morris walked the ditch line
- Mr. Morris has not seen the lakeview plans and asked if it show a WWPD on the plans. Ms. Difruscis confirmed it does show a WWPD along the ditch/stream on the lakeview plans.
- Mr. Morris suggested to look at the town's definition of a wetland strand

- Mr. Morris suggested to look at the it being called a tributary stream to Canobie Lake
- Mr. Morris asked what in the ordinance triggered the WWPD
- 601.4.7 stream contiguous to the wetlands.
- The commission does feel there is a WWPD on the stream.

Attorney Prolman

- Representing the abutters.
- Share concerns with the amount of wet in the area.
- Recognize something is going on there.
- Ok with the project.
- Maintenance of the porous pavement is important to the whole project working.
- If the system is working properly we are ok with the drainage.
- Like the plan showing the 100 foot WWPD setback.
- Reconsider the walking trail around the entire site.

Mr. Guttman recommend that staff invite Michael Simpson to perform a wetland analysis

Ms. Difruscia would encourage an analysis be performed by a wetland scientist; it is critical to do everything we can to protect the lake. It's the appropriate thing to do, and good advice from the conservation commission.

Mr. Toubia is in agreement with a new pair of eyes.

M. Gosselin asking why not send Mr. Gove back as opposed to an independent third party.

Ms. St. Laurent would like it to see again, no opinion if it is Mr. Gove or someone else

Mr. Desilet concurs with the board, have it looked at again. No need for the board to choose who to do it, anyone qualified will do.

Chairman Carpenter commented it is not unprecedented for the board to hire the wetland scientist

Mr. Toubia commented it may be advantageous to have Mr. Gove look at it again.

Chairman Carpenter commented someone new should look at it, less presuppositions.

Motion by Mr. Guttman to direct staff to provide an additional wetland review by wetland scientist Mr. Michael Simpson, paid for by the applicant's escrow money.

Second Ms. Difruscia

Vote 5-1-1 Mr. Gosselin opposed, Mr. Desilet abstained

Mr. Gosselin thinks Mr. Gove could go back and revisit his work; no need to hire someone else.

Mr. Zohdi usually when you want a second opinion you choose three and we agree and choose one.

Chairman Carpenter asked for reconsideration of the motion so that staff may have flexibility around who to choose.

**Motion by Mr. Toubia for reconsideration**

**Second by Mr. Desilet**

**5-2-0 Mr. Guttman and Ms. Difruscia opposed.**

**Motion carries**

**Motion by Mr. Guttman to direct staff to reach out to 3 wetland scientist preferentially to include Michael Simpson to obtain a proposal**  
**Second Ms. Difruscia**  
**6-1-0 Mr. Gosselin opposed.**  
**Motion carries**

**Motion by Mr. Guttman to continue case to January 20, 2016**  
**Second by Ms. Difruscia**  
**Vote 7-0-0**  
**Motion Carries**

**Motion by Mr. Gosselin to adjourn**  
**Second by Mr. Desilet**  
**Vote 7-0-0**  
**Meeting adjourned at 10:40pm**