



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

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**Planning Board Minutes**  
**August 17, 2011**

**Roll Call:**

Ruth-Ellen Post, Chairwoman – Excused  
Margaret Crisler, Vice-chair – Present  
Pam Skinner, Member – Present  
Kristi St. Laurent, Member – Present  
Jonathan Sycamore, Member – Present  
Rob Folan, Alternate - Present

Ross McLeod, Selectman Member - Excused  
Lee Maloney, Alternate – Present  
Sy Wrenn, Alternate – Present  
Carolyn Webber, Member – Present  
Vanessa Nysten, Alternate - Excused  
Kathleen DiFruscia, Selectman Alternate-Arrived @ 7:06pm

**Staff:**

Laura Scott, Community Development Director- Present  
Elizabeth Wood, Community Planner – Present

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

Vice Chairwoman Crisler called the meeting to order at 7:02 p.m. followed by roll call, attendance, and the Pledge of Allegiance.

Vice Chairwoman Crisler appointed Ms. Maloney to be seated for Ms. Post.

**2012 Town Meeting Workshop**

**Section 904 Appeals**

Ms. Scott said that in the packet is a memo from herself and the proposed ordinance language. She said that our current Zoning Ordinance does not state a specific time frame for Appeals of Administrative Decision or of the Planning Board so draft language that would address this issue has been presented. The ordinance would codify the common practice of 30 days appeal process into the ordinance.

Ms. Scott is also recommending that Section 904.1 be changed because of a double printing, so this is a clerical clean up with the deletion

The proposed changes were presented to the ZBA for input. The ZBA suggested taking out the words “to the Board of Adjustment” and just state that Appeals may be taken.

Ms. DiFruscia arrived at 7:05pm.

Ms. Crisler opened this item up for discussion.

Ms. Maloney asked if this referred to calendar days or business days. Ms. Scott said it referred to calendar days and added this to the proposed ordinance.

Ms. Webber asked if this ordinance would invoke any special meetings. Ms. Scott said no. All appeals would all go to the ZBA and the ZBA meets twice a month.

Ms. Crisler asked when the 30 day calendar period starts. Ms. Scott quoted the ordinance stating it starts 30 days within the issuance of the notice of decision.

**Ms. Webber made a motion to move this forward to public hearing for Town Meeting. Second by Ms. Maloney. Motion passed 7-0.**

### **NH Building Code**

Ms. Scott presented a memo from her and the proposed language. She said that by law, Windham was required to adopt the State Building Code unless the Town adopts something more stringent. When the Town decided to adopt and enforce the State Building Code at the 2003 Town Meeting, the Department Head was the Code Enforcement Administrator and did building inspections. The structure of the department has changed since then. The proposed change incorporates how the Department is currently structured and how the Building Code is enforced.

This must be adopted in the same manner as a Zoning Ordinance. The Building Inspector, Code Enforcement Officer, and the Board of Selectman have all reviewed the draft language. The Selectmen voted 4-0 to support the change at Monday's meeting.

Ms. Webber wanted to know why the Building Inspector, Code Enforcement Administrator, and BOS got to see the ordinance before the Planning Board was presented with it. Ms. Scott said that it was because she wanted to get the input of the others first because the Planning Board ultimately holds the Public Hearing on the ordinance. If there were any suggestions for changes by the others, the Planning Board should know about them before the ordinance reached this stage. Ms. Webber asked if the Board Of Selectmen's' recommendations for the ordinance superseded those of the Planning Board. Ms. Scott said no.

Ms. St. Laurent clarified the process of adopting changes to Building Code and asked if someone who inspects for the Building Code would be part of the TRC. Ms. Scott said Mike McGuire is the Building Inspector and that if Elizabeth feels that there are TRC proposals that involve the Building Code, she does involve him.

Ms. Webber asked if Ms. Scott wanted the Board of Selectmen to authorize the Building Inspector to enforce the State Building Codes and does that mean the Board of Selectmen hire him? Ms. Scott said yes, the Board of Selectmen hire the Building Inspector, as they do with all Town staff.

Ms. Crisler asked if we had a Code Enforcement Official. Ms. Scott said yes, that we have a part-time person—Tim Corwin. Elizabeth's Community Planner job description also includes some Code Enforcement duties.

**Ms. Maloney made a motion to move this item to a public hearing for Town Meeting. Ms. Webber seconded the motion. The motion passed 7-0.**

### **Section 706 Sign Ordinance**

Ms. Wood said that the Board worked on amendments to the sign ordinance last year. At that time there were changes made to the ordinance to make it read more clearly and be more user friendly. The regulations for temporary signs were also amended but . regulations on Electronic Signs were not examined. Late in the Town meeting process, a member of the public brought up the point about electronic signs. He stated that perhaps electronic signs should be permitted in town and not prohibited as currently stands. He said that he had a business with an electronic sign and that his sign was very tasteful. It could be dimmed at certain times of the day so that it would not be a distraction to motorists.

Ms. Wood asked the Board as to whether they wanted the subcommittee to keep working to come up with language to allow electronic signs or if they wanted to continue to prohibit electronic signs.

The consensus of all 7 Board members was that we should continue to prohibit electronic signs. Ms. Wood stated that they would no longer have a committee on Electronic Signs for this year.

**Ms. Maloney made a motion to move the Community Planner and Community Development Director's staff reports to the next item on the agenda. Seconded by Ms. Webber. Motion passed 7-0.**

Both Ms. Wood and Ms. Scott discussed their July staff reports.

Ms. Crisler had a question about the Condo associations and if every owner should be notified if there was a change to the land use. Ms. Scott says that the chair of the association is contacted and that person must notify everyone. If the Town does not know who the chair is, then we require the applicant to notify everybody of the association.

### **Member Binder Updates**

Ms. Scott informed the members of the Member Binder updates included in their packets:

- o Land Use Law (Tab #16)
- o Master Plan Benchmark Review Document (Tab #12)

### **New Planning Board Applications**

Ms. Wood gave an update as to the 3 new applications:

- 1)Case 2011-29/WWPD Special Permit for 1 Northland Road that was received on 8/16/11
- 2) Case#2011-30/Minor Site Plan for 4 Ledge Road that was received on 8/16/11
- 3)Case#2011-31/CWPD-Major for 10 Rocky Ridge Road received on 8/15/11.

Ms. Scott said that the next Planning Board meeting is on August 31<sup>st</sup> at 6:30pm.

### **7:30pm Public Hearings**

#### **Case #2011-27/Final Workforce Housing Site Plan & Subdivision Application**

A Final Workforce Housing Site Plan & Subdivision application has been submitted for Lot 17-L-42 (130 Range Road) in the Residential A Zoning District. The applicant, Karl Dubay of The Dubay Group, on behalf of E.A. Trust, is proposing to construct 25 detached single-family condos and rehabilitate the existing Austin Barn Manor into 3 condos and a common area, 25% of the total dwelling units are to meet the criteria of Workforce Housing as outlined in NH RSA 674:58. The project proposes a new private road, water service from Pennichuck, and the site is to be developed using low-impact design.

At 7:30 Ms. Skinner read Case#2011-27 into the record.

Ms. Scott presented the case. She said that in the packet there is a memo from her dated August 10<sup>th</sup>, a non-public memo from Attorney Campbell dated July 29<sup>th</sup>, a non-public email from Attorney Campbell dated July 31<sup>st</sup>, and the plan set A faxed memo was received from Attorney Kalman this afternoon and was placed at everyone's seat for review.

There are concerns by Ms. Scott and Attorney Campbell as to whether or not this property is vested. Last year the application was noticed as a Fair Share Application. For tonight's meeting it was noticed as a Workforce Housing Application. Ms. Scott and Attorney Campbell feel that if the application were to be considered vested, it would need to be noticed as a Fair Share Application.

Ms. Scott said that if this application were deemed to be vested it would follow the zoning ordinances that were in place in prior to the 2010 Town Meeting and be subject to the impact fees and subdivision regulations

that were in place that were changed in 2010. It would not have to comply with the Cobbetts Pond Watershed Protection Ordinance or current Subdivision Regulations. It would have to pay a School Impact fee because the School Impact fee at that time would have applied to Condos.

If it not vested it must meet the current Cobbetts Pond Watershed Protection Ordinance, the Subdivision Regulations, and it would be exempt from the School Impact fee.

Either way the applicant must pay the Public Safety impact fee.

Ms. Scott summarized her August 10<sup>th</sup> memo. All of the outstanding items of the application are listed on page 3. She went over these items in detail. The application has the following outstanding items: the application does not meet 3 sections of the zoning ordinance; it has Site Plan deficiencies; no Subdivision Application was submitted; proper fees were not submitted; the plans are missing items; no drainage or traffic studies were submitted to be reviewed by the Town Engineer; no legal documents were submitted to be reviewed by legal counsel; no driveway permit, alteration of terrain permit, or septic approvals were submitted. There is no indication of where the Fire Department would want a Cistern and there is no confirmation that Pennichuck would provide water.

Numbers 8 (NH DOT Driveway Permit, NH Alteration of Terrain Permit, NHDES Septic Permit), 9 (Fire Department's approval of cistern location), and 10 (Pennichuck's approval that they will provide water) in the memo often happen later on in the process. Numbers 6 (drainage study) and 7 (legal documents) are generally submitted when a complete application is submitted. The fact that there are missing items is not proper. The fact that the fees were not submitted and the fact that the right application were not submitted is odd. And the zoning items are a major concern because only the Zoning Board of Adjustment can waive zoning, not the Planning Board.

These concerns were conveyed to the applicant at least two, maybe three times in writing and also verbally. This information has also been provided to the applicant's Legal Counsel.

The items that were in Attorney Kalman's faxed memo today have already been addressed by Attorney Campbell's non-public memo and the emails have been provided to the Board.

Ms. Crisler said that she was not here when the application was previously submitted and asked if the plan that was submitted this time was identical to the one that was submitted last time. Ms. Scott said that there are a few changes but it is pretty close to what was submitted previously. The previous application had a play area in the back and this was removed. Some of the units in the historic home are reduced. No new units have been added. The only difference that would constitute it as a different application is that last year's application was noticed as a Fair Share Application and the current application was noticed as a Workforce Housing Application.

Ms. Crisler said that the Board would now hear the applicant, Mr. Dubay's, argument as to why the Planning Board should accept jurisdiction for this application. Ms. Webber asked if the Board deems the application incomplete, does the Board have to hear Mr. Dubay's argument as to why he should be considered complete. Ms. Scott says that the Board does not have to. It is up to the Board to decide whether or not to hear his argument as to why the Board should accept the application.. Ms. Crisler felt that the Applicant should present his argument.

Mr. Kalman, on behalf of the applicant, said he appreciates the opportunity to speak. He says that there is only thing on the table tonight is to decide whether or not the Board will accept the application and invoke jurisdiction of the application. If the Board accepted the application, all that would do is get the ball rolling. The Board could then deny, approve, or approve with conditions.

He said that in another case, an applicant first went to the Board of Adjustment, didn't get the Variance, and then came to the Planning Board and was told that he had to have a Variance or the Board would not invoke jurisdiction. He does not feel that the State Workforce Housing Ordinance supports this. This will be resolved in court soon, so the question will be answered.

Mr. Kalman stated that an application shall not be considered incomplete solely because it requires approvals from other boards. A completed application means that the Board has been provided with enough information to make an informed decision.

Attorney Kalman said that the Board is not making any decision on the merits of the plan tonight. Even if the Variance is required, he feels it is logical that the Board accept the application. He wants to know what they need a Variance for. The Board needs to give them direction as to what they should request a Variance on.

Attorney Kalman spoke on the subject of vesting. He said that the applicant came under the consideration of Design Review. The statutes that the applicant was operating under states that if you come in under consideration as Design Review, and the hearing is scheduled for public consideration, and then submit a final application within of 12 months of the completion of the Design Review process, than that application is not subject to changes to the zoning ordinance after the date of filing. He said that he believes that application was filed on September 22, 2009. They came in front of the Planning Board October 2009, the Board refused to accept jurisdiction. A lawsuit was filed and the final decision is available to the Board. The application is vested at the time that the Design Review application is submitted. Ms. Scott acknowledges in her memo that an application was filed within 12 months so this maintains that the application is vested.

Mr. Kalman said the history behind the evolution of this law is to protect an applicant from a "torpedo". A torpedo is when a Planning Board looks at an application, does not like it, sees that it meets zoning requirements, and then develops new legislation to make the application out of compliance and therefore blocking it or "torpedoing it".

Mr. Kalman said that his client followed the process and is vested. His client would seriously appreciate the Board accepting this application. Part of the problem is that this Board has never invoked jurisdiction over a Workforce Housing Application.

Ms. Crisler asked as to why some of the other routine paperwork had not been submitted with the application. Attorney Kalman said that those issues seem like easy technical issues. If the applicant can't overcome the variance issue, then everything else is moot. The other Workforce Housing case is coming up for trial and that is the issue.

Attorney Kalman said that if the Board was willing to negotiate the timing of when the Variances would be required, Mr. Dubay would be willing to provide all of the other missing items before the next meeting.

Attorney Michel Rosen, who represents the abutters, asked the Vice Chair if he may be granted an opportunity to speak on behalf of his clients to tell the Planning Board why they should not accept jurisdiction.

Chairwoman Crisler and the Board felt this was fair and permitted Attorney Rosen a chance to speak.

Attorney Michael Rosen represents the abutters. He stated that Attorney Kalman is trying to focus the Board on the fact that that they did not get a Variance. There is not even a complete application so why are we even getting to the Variance question. This application was submitted in September 2009. It was litigated and turned over more than a year ago. They had a year to file a completed application. The applicant has had

letters and communications from Ms. Scott describing the outstanding items. Other applicants in this situation would not be granted this privilege.

Attorney Rosen told the Board to pretend it is solely about the Zoning Board of Adjustment. Attorney Kalman made an argument that that Planning Board has jurisdiction because this is about Workforce Housing. It is not about Workforce House housing. This application precedes Workforce Housing. This is an application about Fair Share. The applicant sued the town to confirm that this application be accepted and vested before Workforce Housing requirements were passed by the State of New Hampshire. This is not an application under Workforce Housing; therefore the Zoning Requirements do apply. The applicant stated that he has no idea what zoning requirements are required and therefore he does not know what variances are required. But by the end of the discussion, the applicant is specifically talking about the four zoning ordinances it needs relief from.

Attorney Kalman does not believe this application should move forward. It was done on the last day. It was filed incomplete. It was done for no other reason than to cause reason to sue the Town.

Ms. Crisler asked for input of the Board.

Ms. St. Laurent said that she has been following this since this came before the Board. She is disturbed that the term Torpedoing was used. That was never the intention of votes that she ever cast. She disagrees with Mr. Kalman's suggestion that if the Board decided to open the discussion, it would not be a substantive decision; if the Board accepts it they would be accepting it is complete. It is as complete. In terms of being timely in every respect, if it was timely the Board would have all the parts it needs. She said there is no reference in the application as to how the applicant is going to make it affordable for a 30 year time period. The application is missing many parts needed to deem it complete.

Ms. Maloney and Ms. DiFruscia concur with Ms. St. Laurent. Ms. DiFruscia is concerned that the application was a Fairshare Application and now it is listed as a Workforce Housing Application. Ms. DiFruscia said that there are differences in how the workforce housing is maintained.

Ms. Webber said she agrees with Ms. St. Laurent. She also agrees with Ms. DiFruscia that is a new application.

Mr. Sycamore said that applicant is asking to be treated differently than prior applicants and he does not feel that is fair.

Ms. Skinner said that too much is missing.

Ms. Maloney made the suggestion to Mr. Kalman that he go to the Zoning Board of Adjustment and seek Variances like any other applicant would.

Ms. Crisler pointed out the items that are missing from the application. She said it is lacking the following: 603.1.1, the patio which violates Section 702.1, the soils information, information on the existing dwelling to show compliance with Section 400, many items to do with Site Plan regulations including authorization from the property owner, the letter of intent detailing the proposal, how the solid waste management will be picked up, Subdivision Application, fees, signature block for the owner and Planning Board Chair, Impact Fee amount on plan, traffic study, drainage study, legal documents, permits for driveway, operation of terrain permit from DES, septic permit from DES, Fire Departments sign off on cistern location, and Pennichuck's affirmation that there is water supply.

Ms. Scott that if that were to be a motion, she would suggest not to include items # 8, 9, & 10 or 5. It is not uncommon for these items to be submitted at a later phase. She says the Board might want to add that that none of the financial information was provided. Legal documents are needed to guarantee affordability.

**Ms. Webber made a motion to not accept jurisdiction of Case#2011-27 the reasons being:**

1. The proposal is in violation of Section 603.1.1 of the Zoning Ordinance, which allows only 1 single-family detached dwelling per lot
2. Separate soils information had not been submitted for review by the Town's Consultant to confirm compliance with "Minimum Lot Area by Soil Type" of the Zoning Ordinance
3. Information on the existing dwelling to show compliance with Section 400 of the Zoning Ordinance was not provided
4. Units 25 & 24 have patios in the side setback, which is in violation of Section 702.1
5. Authorization from the property owner for the applicant to represent him, which is required, was not submitted
6. A letter of intent detailing the Proposal was not submitted
7. There was no information on how will solid waste pick-up was to be managed
8. No Subdivision Application had been submitted
9. Proper Planning Board application fees had not been submitted
10. No drainage study or traffic study had been submitted for review by the Town's Consulting Engineer
11. No legal documents or financial information had been submitted for review re: compliance with long-term affordability of proposed workforce housing units

**Ms. DiFruscia Seconded the motion. The motion passed 6-1. Ms. St. Laurent opposed the motion.**

Ms. St. Laurent said that the only reason she is opposed is because she does not feel the Zoning requirements should be part of the motion.

**Case #2011-26/Preliminary Major Site Plan**

A Preliminary Major Site Plan Application has been submitted for Lot 13-A-90 (22 Roulston Road) in the Limited Industrial Zoning District. The applicant, Karl Dubay, of the Dubay Group, on behalf of Medicus Healthcare Solutions, Inc. and Stephen Lindholm (Property owner) is proposing a two-phased development to consist of a 30,000 sq. ft. 3-story building and a 14,000 sq. ft. 2-story building, 206 parking spaces, landscaping, and associated site work.

Ms. Skinner read the case into the record.

Ms. Scott said that this item went to TRC on 7/26/11. In the packets is a memo from herself, emails from the Police Chief and Rail Trail. Conservation will review this on the 25<sup>th</sup>. There is currently a house on the lot. This is a two Phase buildout. This plan shows the full buildout. Ms. Scott feels the application is complete enough for preliminary review.

Mr. Dubay, the applicant, said that the committees and staff have been great to work with. He introduced Kristi Ralph to present the application. She represents Medicus Solutions. The company has outgrown its offices in Salem and wants to construct a new facility in Windham. They will be moving in with about 80-90 employees. The facility serves as a call center; there are no medical offices in the building.

Ms. DiFruscia asked if there will be any other businesses in this building. Ms. Ralph said no. It is solely for Medicus initially.

Ms. DiFruscia asked her to describe the phased in growth. Ms. Ralph said that building one would be constructed as the 1<sup>st</sup> phase and the second building would be constructed as phase 2. She referred the

Planning Board to the construction phasing plan given out. It would be used for the same purposes as the 1<sup>st</sup> building.

Ms. Maloney asked if any lab services would be there. Ms. Ralph said no. Mr. Sycamore said that it is an attractive building.

Ms. Webber asked if they would be hiring from town. Ms. Ralph said they are currently hiring now.

Ms. Maloney asked what type of business Medicus is. Ms. Ralph said that they are a Physician placement agency.

**Ms. Skinner made a motion to open this as a public hearing. Ms. Webber seconded. Motion passed 7-0.**

Mr. Dubay presented the application. He described the site plan. The applicant hopes to connect into the Rail Trail. Mr. Dubay passed out more information regarding the phasing. At this point in time he does not believe any variances are needed. A WWPDP Special Permit is needed. There will be 2 curb cuts. A pond will be part of the landscaping and also serve as a drainage feature. 205 parking spaces are shown. A site lighting design is included. Additional traffic studies are being done. There are sidewalks and landscaping along the building. All drainage will be contained within the site. This proposal fits in with the Master Plan. The signage will be very classy like the rest of the project.

Ms. Maloney asked how far the parking area was from the Rail Trail. Mr. Dubay said about 300 ft. No pavement would come closer except for maybe a sidewalk.

Ms. DiFruscia asked if it would be possible to see the parking lot from the Rail Trail. Mr. Dubay said that there is practically a cliff blocking the view as well as all of the vegetation.

Mr. Sycamore asked what the parking would be for Phase II. Mr. Dubay said the total number of spaces for both spaces would be 205.

Ms. DiFruscia asked if lighting from the building would shine on the Rail Trail. Mr. Dubay said no. LED lights are very directional and none would shine on trail. Ms. DiFruscia said she is very pleased to see this type of business come to town—a professional business as opposed to “Big Box” development.

Ms. Crisler wanted to know where the snow storage would be. Mr. Dubay said that there are areas for snow storage but that when there is too much, the snow will have to be hauled off of the site.

Ms. Crisler asked if the parking spaces met the zoning requirements of the building. Mr. Dubay said yes.

Ms. Webber asked if the parking lot would be pervious or impervious. Mr. Dubay said that it would be impervious pavement. Drainage will be treated with the pond and other drainage features. Deciding to pave with impervious pavement came down to a cost issue. This type of building is very expensive to build and the money was put into the landscaping in building rather than into pervious pavement.

Ms. Crisler asked if Rail Trail parking would be provided. Mr. Dubay said that it would be tough to enter into a formal agreement for liability reasons. There are areas that could be used for Rail Trail parking. Medicus may be willing to talk about it. Mr. Dubay said that they want to get their Site Plan approval first.

Ms. Crisler asked about the fitness garden. Mr. Dubay said that it is the hip thing to do. A place for employees to go to exercise during breaks.

Ms. DiFruscia asked if there would be a cafeteria in the building. Mr. Dubay said yes. There would not be a hot lunch line, but there would be a kitchen. There would also be shower facilities.

Ms. DiFruscia asked what the material was for the exterior of the Building. Mr. Dubay said he would defer to the architect Rob Martel.

Mr. Martel presented the architecture of the building. The front of the building will be comprised of masonry, stucco, and metal panels. This is still a preliminary design. They are still going through cost estimates. The front entrance to the building projects out. Conference rooms are located throughout the building. On the 1<sup>st</sup> floor there are many common areas including a subdividable cafeteria that has access to open courtyard. A fitness room with a locker and shower room is also on the 1<sup>st</sup> floor. That portion of the building is buried into the hill. A bike rack area will be provided close to the entrance to the fitness center. The building foundation will be buried or concealed as much as possible. The roofline will be broken. This will be a non-combustible building of steel and concrete. They are not anticipating sprinkling the building but do expect to locate a cistern on the site.

Ms. Maloney asked if there would be any assurance that there would be red masonry on all sides. Mr. Martel said that it is still early on. Some other designs have been considered. There are many different ways to present a building of this class. We are working through construction costs. Building material costs have not gone down during the recession.

Ms. DiFruscia asked if he could bring in some examples of materials that he would be using. Mr. Martel said that he would.

Ms. St. Laurent asked about material called EFIS. Mr. Martel said that it is an insulated panel that is covered in stucco. It is a very durable material. Ms. St. Laurent asked if it would be equally durable to the metal and the brick. Mr. Martel said yes.

Ms. DiFruscia asked if the HVAC units would be completely screened. Mr. Martel said yes.

Ms. Crisler pointed out the flat roof and said that we have had problems with buildings that have flat roofs collapsing. Mr. Martel said that there are roof drains on the building that the water would be sloped toward. The building would be built to exceed the state mandate for snow load.

Ms. DiFruscia asked if the glass on the building would be tinted so that the people on the inside could see out but the people on the outside couldn't see in. Mr. Martel said that they haven't gotten as far along as to picking out the glass yet. He said they would like to have some sort of tint on the glass because it saves energy consumption.

Mr. Crisler asked about the Class status of buildings. Mr. Martel said that there is a group that classifies buildings as A, B, or C. Medicus would like to have a very nice Class A office building.

Ms. Scott said that the classification of a building determines how much rent a building owner can charge a tenant.

Deputy Chief Bill Martineau, Fire Prevention Officer, said that when he first saw this building at the TRC committee, he thought it should have an automatic fire protection system. He stands corrected on this; the NH Building Code does not require this. The Fire Chief asked that the builder meet the requirements of NFPA 1142 (Standards for Water Supply for Rural and Suburban Fire Fighting) and NFPA 1172 (Fire Alarm Systems). What the Fire Department would like to have is a certified fire protection engineer submit a

stamped plan of calculations of the availability of water supply to adequately protect this building. The Fire Department is on board with this project.

Ms. Webber asked Deputy Martineau how frequently cisterns are used. Deputy Martineau said that a fire truck brings 4,000 gallons of water to the site. But a building of this size needs more. A cistern is there to assist. He says that he is relatively new in town so that he does not know how frequently they are used. He will find out from the chief.

Ms. DiFruscia wanted to know how high the building was and if the ladder on the fire truck could accommodate this. Deputy Martineau said the building is 40' high and that the ladders on the fire trucks can accommodate this height.

Deputy Martineau said what was also of importance is the width of the sidewalks and vegetation surrounding the building because this would affect the horizontal reach of the ladders. He asked Mr. Martel what this width was.

Mr. Martel did not provide an answer as to what the width of sidewalks and vegetation will be at this time.

Ms. Scott stated that she will make a note to ensure that access is provided along side of the building for fire protection.

Ms. Skinner if there would be access to other business in that area during construction.

Mr. Dubay said the access would not be affected at all. There is plenty of room on the shoulder for excavators to enter the site.

Ms. Scott said that they would be accessing the site via a town road and therefore would not be able to block the road. Any time they would need any flaggers or safety devices, it would be up to the Police Department to provide these services. Once the workers and equipment were on the site, they would be working there and not disturbing traffic along the road.

Ms. St. Laurent asked if the building would have an elevator. Mr. Dubay said yes.

Ms. DiFruscia asked if he would be constructing the entire parking lot before completing phase II. Mr. Dubay said no. The phasing is shown on the plan that passed out.

**Ms. Webber made a motion to close the public hearing and to end the preliminary discussion. Ms. Skinner seconded. Motion passed 7-0.**

Jonathan Sycamore left at 9:21pm. Ms. Crisler appointed Mr. Folan to sit for Mr. Sycamore.

### **Meeting Minutes – Review & Approve**

- **July 6, 2001**

Moved to August 31<sup>st</sup> meeting.

- **July 13, 2011**

Vanessa Nysten was not in attendance of the meeting but did email in some suggested edits. The board accepted the edits to minutes she suggested for p. 6, but not the edits she suggested for p. 10.

**Ms. Webber made a motion to accept the minutes as amended. Seconded by Skinner. Motion passed 4-0-3. Ms. DiFruscia, Ms. Maloney, and Ms. Folan abstained.**

- **July 20, 2011**

**9:28 Ms. DiFruscia motioned to accept the minutes as presented. Seconded by Skinner. Motion passed 6-0-1. Ms. Maloney abstained.**

- **August 3, 2011**

Ms. Nysten made some suggested edits by email. The Board accepted her edits.

**Ms. Skinner motioned to accept the minutes as amended. Ms. Maloney seconded. Motion passed 6-0-2. Ms. DiFruscia and Mr. Folan abstained.**

### **Miscellaneous**

**Old/New Business** (Not to include discussion of pending applications or decisions on matters requiring public notice)

Ms. Scott informed the board that the next meeting is at 6:00pm and that there will be a very large packet.

Ms. DiFruscia said that on behalf of the Board of Selectman she has asked that Ms. Scott not proceed with any audit for a Workforce Housing assessment audit until a legal opinion is obtained from Bernie Campbell. This reason for this is so that they can be certain that conducting the audit would not impact the pending the legal decision on Work Force Housing

### **Adjournment**

**Ms. Webber made a motion to adjourn at Ms. St. Laurent seconded. The motion passed 7-0.**

These minutes are respectfully submitted by Elizabeth Wood.