



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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### Approved Planning Board Minutes Wednesday, December 10, 2014 Community Development Department

#### Board Members:

Kristi St. Laurent, Chairman - Present

Alan Carpenter, Vice Chair – Present

Paul Gosselin, Member - Present

Pam Skinner, Member – Present

Margaret Crisler, Member – Present

Vanessa Nysten, Member – Present – excused at 8:22 pm

Bruce Breton, Selectman – Excused

Joel Desilets, Selectman – Present – arrived at 7:15 pm

Steve Bookless, Alternate – Excused

Jim Fricchione, Alternate – Present

David Oliver, Alternate – Present

Kathleen DiFruscia, Alternate – Present

#### Staff:

Laura Scott, Community Development Director

Elizabeth Wood, Community Planner

Kerry Lee Noel, Planning Board Minute Taker

Chair St. Laurent called the meeting to order at 7:06 pm, followed by the Pledge of Allegiance, member attendance and a brief synopsis of the agenda.

The Chair sat Mr. Desilets for Mr. Breton at 7:15 pm. Ms. DiFruscia sat for Ms. Nysten at 8:22 pm.

#### Public Safety Impact Fee Methodology Discussion

Ms. St. Laurent states this was visited by the Board in 2013. No action was taken at that time.

Ms. Scott states that the information regarding the impact fee is in the Board member's packet. There is information from the Finance Department regarding the Master Plan as well.

Mr. Mayberry introduces himself and states that as an overview, originally in 2007- 2008 the Public Safety Impact Fees were adopted and were again updated in 2013 for the Police and Fire Departments. The most important thing to remember about impact fees is that it follows the statutory NH guidelines under RSA 674.21.5, that impact fees need to be proportionate to the impacts of new developments. There are other administrative requirements that have to be grounded in standards that are common to everywhere you go. In order to make a determination you need to evaluate two things; how much are the Capital Costs of the new development and how much to allocate by land use sector. Public Safety Impact Fees, protection of personal property, it is a protective service as well as a response service. Factors such as property value and calls for service are used to define how much capital investment is needed to serve a base year and how much would be needed to serve from the base year to the future service years. Impact fees can only be assessed for capital improvements. For public safety it would involve buildings and the supportive capital equipment, used in firefighting and police services.

Mr. Mayberry continues stating that to simplify the methodology a 14 step process is used. In 2007, following a conversation with the Chief of Police and the Chief of the Fire Department, the future building needs were assessed. At that time a discussion occurred to add a 7,000 square foot section to the Fire Station and a potential 3<sup>rd</sup> Fire substation in the future. The Police Department anticipated a need for an additional 4,000 square feet. There were some drawings and sketches but no specific designs at that time. The impact fees require assumptions for future needs and potential investment that will be needed.

Mr. Mayberry continues, reviewing the basics of the history of the impact fees with regard to building expansion and the capital equipment needed. In other towns, the investment in capital equipment can be higher than the cost of the proposed buildings. The same standards must apply to a base year and future years. The current estimated ratio of floor space per officer and the floor space per capita for the fire trucks. Then extend that out to an estimated future population, which brings the difference from what is needed in the base year to the future year. At the same time we are projecting population, commercial development and residential units. We would then allocate that cost splitting it between land uses, residential and commercial. The 2013 estimates are a higher dollar amount per square foot due to higher costs than the 2007 estimate. The cost to cure the deficiency is used, after using the basic standards that were previously established. The census of 2010 showed a higher population of 10,000 persons, higher than the assumption in 2007. The cost of a deficiency is using the building standard and applying it to the existing population. There was a deficiency on the estimate for the Police and Fire Departments. That portion cannot be paid for with impact fees, it would have to be paid for with local funds. On vehicles and major capital equipment, the original methodology in 2013, we applied two different sets of numbers. We used buildings and capital equipment and just capital equipment. The difference between the two and then the role of capital equipment is considered. For the Police Department we used the replacement cost of major vehicles per officer and pushed that forward in time to estimate the capital costs for a larger number of officers. EMS is more difficult to compute with regard to new equipment purchases. We took the current replacement costs of all of the capital equipment and divided that value by a future population. Most of the equipment is on a replacement schedule that is regularly updated. We also looked at call volume for the existing departments. This is also an indicator in the ratio. The total building floor area of the building is another means of the protection ratio. Assessed evaluation is another measure of property. We took an average of those factors with calls multiplied by 2 to estimate the proportionate share amount that is roughly 75% residential service for the Police Department and 82% for the Fire Department balance to commercial. Once the standard is reached we can take our cost and come out with a ratio of cost to the residential sector per capita and the commercial sector per square foot based on our projections. A portion of that amount would be supported by tax funds. The impact fee payor is not being charged for the deficiency. The actual fee schedule is then produced with certain land use, dollars per residential unit by type and dollars per square foot for commercial space. The adjustments are computed per capita and are multiplied by household size and types of units. The commercial space per square foot is multiplied by the call volume. Assisted living generally requires a high EMS call volume. The next two pages of the three page handout show how the fees are calculated. The biggest change is on the base population which was up by 1000 persons. The formula is saying that facilities are needed today.

Ms. Scott states that the comparison report shows the 2007 study with the 2013 update. The buildings are located on page 2 of the report.

Mr. Mayberry states the deficiency in the schedule is due to the base year population change. In looking for a proportional basis for an impact fee, this is a statistical measure.

Mr. Carpenter inquires what is in place today for public safety impact fees.

Mr. Mayberry states the 2007 impact fee basis has been retained.

Mr. Carpenter inquires if fire trucks and police cruisers are included in the asset tables.

Mr. Mayberry states that they are included.

Mr. Carpenter states that we can't use the money for a new fire fighter, but we can use it for equipment. A new hire for a firefighter costs about \$20,000.00. With each new hire, the impact fees can be applied to the equipment for that new hire. A new building would apply, would the remodeling of existing structures be included. An investment in capital would be required to remodel.

Mr. Mayberry states that if you enlarge as you remodel it would apply. A refit of the existing structure would be applicable. Effectively you are recovering some of that investment. Replacing the equipment ensures the service life of it. I do not believe there is a specific plan for a Fire Department sub-station at this time. If the warrant is not voted upon at Town Meeting the impact fee is something to fall back on.

Mr. Carpenter inquires if the figures presented today are from 2007 and are currently being charged, and the projection is what they could be.

Mr. Mayberry states yes. The non-residential fee has gone up the residential fee is up slightly.

Mr. Gosselin inquires if in the 2013 document, it states that the 2007-2008 fees are unsustainable.

Mr. Mayberry states they are sustainable provided there is the safety mechanism of the refunds. Charging impact fees for buildings that never get built, is unsustainable. You can't postpone the new structures indefinitely. The fees are there to use in the timeframe they are designed for. The town has made some refunds and they must be made in a timely way. If the voters won't vote for the project, the public and the town must create them to sustain the impact fees.

Ms. DiFruscia states that the impact fees have been on the books for 6 years, if we don't have anything in process the money will have to be refunded back to 2008.

Mr. Mayberry states yes for the building portion of the calculation. An architectural study can prolong the refund. Meaningful progress must be made to retain the fees.

Ms. DiFruscia remarks that the minimum of 87% for Police and 57% for the Fire Department, are those figure an accurate representation of the refund. Would the building portion be refunded, what would the refund be.

Ms. Scott states that one refund has occurred for the Police Department. We will likely give back that money for the next few years, there is currently no plan for the collected fees.

Ms. Nysten inquires if the percentage is different between the 2007-2008 and 2013, for building and equipment.

Ms. Scott states the Police Department has given all of the money back in refunds.

Mr. Mayberry states it appears you are looking for an actual number with regard to the percentages. I can provide that to Ms. Scott.

Ms. Crisler states that the CIP committee should be aware of the impact fees and their application.

Mr. Mayberry states that is a common sense relationship. Impact Fees can also be used for buildings already built and the CIP may or may not be involved in that process. Your CIP may be planning for 6 to 10 years or longer.

Ms. Crisler restates that the CIP should be involved in the planning of usage of the impact fees. When we collect an impact fee on a new homeowner it is paid, who gets the refund, in the case where the homeowner or if the house has changed hands.

Mr. Mayberry states the fee generally is paid to the payer of owner of record depending on your ordinance.

Ms. Scott states our ordinance is the property owner of record.

Discussion occurs regarding the CIP and Impact Fee planning in coordination.

Ms. St. Laurent states that the fire station under the current methodology is to build a sub-station. If the will of the people is to not go forward with that, in the updated version it appears to be less specific. Is there more flexibility to move forward in the future?

Mr. Mayberry states that, both impact fee versions assume a sub-station. It was in the CIP as a future project.

Ms. Scott states that this was brought before the Board last summer. Mr. Mayberry gave a presentation and it was asked if a hearing should be held to amend the methodology. The Board voted to defer at that time. We planned another presentation at the request of the Board this for this year. The question being, do we keep the one we have or to hold a public hearing and adopt the new updated methodology that was developed in 2013.

Discussion occurs regarding the methodology of the proposed amended impact fee presentation.

Ms. Scott states that the document contains two options for impact fees. Mr. Mayberry has been discussing table 1, Capital expenditures and Facilities. Option 2 in the document is just Equipment removing the building component. The Chiefs, myself and Mr. Mayberry met and discussed the necessity for the two options, given the lack of plans for facilities for Police or Fire at the time. If the document is adopted there would be editing to reflect which option is selected.

Ms. St. Laurent states that at some point we will have to do something given the growth of the community. If we have to refund for several years at least we have the impact fees in place to move forward rather than being behind.

Discussion occurs regarding the loss of potential development without the impact fees.

Mr. Mayberry states there was an architectural study that gave a life span for the building. That was held as a baseline.

Ms. St. Laurent inquires if there is any public comment.

***Mr. Carpenter moves to Public Hearing a revised Public Safety Impact Fee that reflects both Buildings and Capital expenditures as outlined by Mr. Mayberry in the document as presented review and update 2013.***

***2<sup>nd</sup> Ms. Crisler***

***Mr. Desilets states he appreciates the work involved in this document but cannot support this document due to the population estimate not being accurate.***

***Vote: 5-2-0 (Mr. Desilets, Ms. St. Laurent)***

*Ms. St. Laurent would also like to see updated population figures.  
Motion carries*

### **2015 Master Plan Phase I – Finalization**

Ms. S. Laurent states that continued work is to be done on this subject by staff. Gives direction to continue until January 21, 2015.  
2<sup>nd</sup> by Mr. Desilets

Ms. Wood states that she is awaiting further information and will be able to provide the Board with it at that time.

Ms. Nysten states she must leave the meeting at 8:22 pm.

The Chair seats Ms. DiFruscia for Ms. Nysten.

### **2015 Town Meeting Workshop**

#### **WWPD & Vernal Pool Buffer Markers (Section 601, Section 716) 601.4.8.4**

Mr. Carpenter states that in the first sentence the word “containing” should be removed.

Ms. St. Laurent states that in 601.4.8.4 the last sentence to remove the phrase “among others”.

Mr. Gosselin states a situation occurred where number 4 was added to ensure the Boards discretion.

Ms. Wood states that there was no subcommittee meeting. Some members were not able to be available. Mr. Gosselin and myself discussed number 4 to accommodate situations that might arise, the Board could discuss it further.

Ms. Crisler states that 601.4.8.4 should read, “Where any application submitted for planning board approval contains property.” To remove “receiving” because it indicates we have already approved it.

Discussion occurs regarding the language change.

Ms. Crisler reverses the suggestion.

Mr. Carpenter restates the change is to remove the word containing and among others.

*Motion by Mr. Desilets to approved the ordinance as amended.*

*2<sup>nd</sup> Ms. Skinner*

*7-0-0*

*Motion carries.*

### **Housing for Older Persons (Section 610)**

Ms. Wood states that the sub-committee met on December 4, 2014. They decided that additional time was needed which included a two hour meeting on Saturday. The Sub-Committee is present; the Board reviews the handout of new information.

Ms. St. Laurent requests presentation of the changes. Initially the idea was initiated by situational changes that may occur in the qualifications of Elderly Housing.

Ms. Wood states that there are 2 main central points for the subcommittee. The occupants and the population allowed to reside in the units. 610.6.1.1 should not fall under density standards. Density is not applicable to this section. As in agreement of the subcommittee, Attorney Campbell can review that. The density aspect created a wide array of opinions within the subcommittee.

Mr. Gosselin states that the areas reviewed where the non-density items at the Thursday meeting. Density was taken up on Saturday. The subject of Density needed a baseline. We looked at what you would have for a standard number of bedrooms on a normal subdivided lot, which is 4. Items of merit for a 55 plus community was having a common area for a clubhouse or recreational facilities. Handicap accessible needed to be under a provision. Rental units are also worth keeping in.

Discussion occurs regarding the density bonus percentages.

Mr. Gosselin continues stating developing the base density on 610.6.4 it should be a max of 50% bonus. Under 610.6.1.5 abutter concerns, appearance and a 50 foot setback and we added 25 foot vegetative buffer, we also add if a structure with more than 4 residential units the setback and buffer double to 100 feet, and a 50 foot buffer within the setback.

Mr. Maynard states that the buffers would be acceptable by the town, but not necessarily done by a landscape architect which is the way this is written. I can't provide this myself. I would prefer the language to state a qualified professional rather than a landscape architect.

Mr. Carpenter states that the language states "at the Boards discretion."

Ms. Crisler states that she is for the choice of professionals being used.

Mr. Gosselin states that if you come in and present a nice plan with a nursery and arborist, odds are the Planning board will accept the plan.

Mr. Roberts states that he put forth the plan for the buffer, it is extensive with regard to tree height and the Windham Master Plan and Zoning ordinance overlays the existing ordinance under 602.2 uses permitted upon site plan application where at the time of development which requires of a site plan review this area shall be used as a buffer zone. I recommend making the setback larger.

Mr. Desilets states that this was discussed for an hour Saturday morning. The final decision of the subcommittee was a 100 foot buffer for 4 units and up.

Ms. Crisler states that she would have voted for 100 feet had she attended the meeting.

Mr. Roberts states that when you are spacing these things out it's like looking at a wall.

Mr. Carpenter states that the wording he voted for, because of the open space, often causes a large expanse of open space around it.

Ms. Crisler states that the Bedford example that included fencing, berms or any natural buffers should be preserved or supplemented.

Mr. Dubay states that under 602.2 rural district, it is an additional use permitted in the rural district. It has a 100 foot buffer. Schools, cemetery, hospitals, golf courses, etc., needs a site plan approval. Elderly Housing is not on the list. 100 feet is actually a lot of distances going along with the setbacks. Having a landscape plan to be required is better and it makes a difference.

Mr. Dubay also states that he amended the document reflecting the committee's decision for the review of the Board.

Ms. Crisler inquires if the memo of December 5<sup>th</sup>, the Bedford document should include, part 1 of the 2<sup>nd</sup> page the paragraph: Function and materials should be included in our document under 6.1.5.

Mr. Desilets states that the Board should not design the Buffer Zone.

Mr. Gosselin states to replace the word "shall" with may, in the function and materials section of 6.1.5.

Ms. Difruscia agrees.

***Motion by Ms. Crisler to update section as amended to include natural vegetation.***

***2<sup>nd</sup> Mr. Desilets***

***Vote: 7-0-0***

***Motion carries***

Ms. St. Laurent states the discussion can continue regarding the setback distances,

Mr. Mason states that the board is very thorough reviewing the information presented. On 610.2.5, net tract area, with a conventional subdivision, your lot size can include WWPD. Your calculations of lot size, excludes using wetland and watershed areas with regard to lot size, also this definition with regard to the multiple for density went from 8 to 4 with regard to bedrooms in each dwelling with regard to water consumption it generates 300 gallons of water per day per bedroom per DES. Studies reflect a 2 bedroom adult community generates 125 gallons a day for both bedrooms. I would like to see the multiple left at 8, and the calculation of the tract area kept the same as a conventional subdivision.

Mr. Gosselin states no changes were made by the sub-committee on 610.2.5 the net tract area. The other multiplier for base density we went through it, it used to be 8. We looked at existing type projects and see what you can reasonably get to.

Mr. Gendren states that the buffer size presented states that the standard subdivision standard is 30 feet, 50 ft. is fair and the benefit is the creation of quality elderly housing.

Discussion occurs regarding the changes and under various situations.

Ms. Wood states that the wording can be developed to create language reflecting the wishes of the board.

Mr. Carpenter rewords the change to additional vegetation or additional screen.

Mr. Carpenter will work with Ms. Wood to create the language.

***Mr. Desilets moves to have Mr. Carpenter work with staff to create language that states, "within the set back".***

**2<sup>nd</sup> Ms. Crisler**  
**Motion Tabled.**

Ms. Wood states to clarify if it applies to subdivisions that have been designed but not built out would apply.

Mr. Dubay states that he would like to see more bonuses for the projects, with regard to Bedford, it abuts industrial zones and you would never know it.

**Motion by Mr. Carpenter at section 610.6.1.5, add the language in consideration of existing residential neighborhoods the Planning Board may require additional width of the vegetative buffer located within the overall setback**

**2<sup>nd</sup> Ms. Crisler**  
**7-0-0**

**Motion carries**

610.6.1.8.

Mr. Carpenter states that in 610.6.1.8, the project should average no more than 2 bedrooms per unit.

Mr. Gosselin states it is an average.

Mr. Carpenter states that in 610.6.1.2, why is the word apartment excluded, also the reference to Garden Style. Do the Federal guidelines state an elevator would be required?

Ms. St. Laurent garden style unit could refer to a Condo.

Mr. Desilets states that the Bonus percentage incentives of 20 or 30 % developers will be more inclined to create a project for the senior or disabled persons. I am looking for a compromise for a maximum achievable bonus.

Discussion occurs regarding bonus percentages in Windham and other communities.

Mr. Carpenter states to make the maximum bonus's for 3 categories up to 30 % and add a 4<sup>th</sup> category of 25 % bonus at the Boards discretion, maximum of 130%, 610.6.2.4  
Change all 3 categories to 30 % add a fourth category.

Mr. Carpenter states handicap, recreation and rental at 30 % plus 10% historical preservation. He states he will work with Ms. Wood on the language.

**Motion by Mr. Desilets craft the language as discussed.**

**2<sup>nd</sup> Ms. Crisler**  
**Vote 7-0-0**

**Motion carries**

Discussion occurs regarding the purpose of elderly housing.

Mr. Roberts states that the baseline, number of lots  $10 \times 4 = 40 @ 50\% = 60$  bedrooms or 30, 2 bedroom units. At \$400,000.00 each that's \$12,000,000.00. He refers to the Master Plan; in the Town of Windham in 2015 it's the fastest growing community in Southern NH. A growth management ordinance should be developed and is wanted. Increasing density makes no sense.



Discussion occurs with regard to school overcrowding concerns verses overall town growth concerns.

***Motion by Mr. Gosselin to move this document forward with amendments.***

***2<sup>nd</sup> Mr. Desilets***

***7-0-0***

***Motion carries***

a) Open Space Subdivision (Section 611.6.4.3)

***Motion by Mr. Carpenter to approve 611.4.3.2 as amended to add the following edit “at the minimum required front yard setback”.***

***2<sup>nd</sup> Mr. Gosselin***

***Mr. Desilets states, should it be worded “as you move away from that minimum toward the maximum setback.”***

***Discussion occurs.***

***Vote: 7-0-0***

#### **Sale of State Owned Land – Review and Comment**

a) Lamson Road (Lot 13-A-155)

b) Harris Road (Lot 13-B-77)

c) Harris Road (Lot 13-B-80)

Discussion occurs regarding the location and name of Lamson Road.

***Motion by Mr. Carpenter to recommend to the Board of Selectmen that all 3 parcels be put up for sale we see no value to the community.***

***2<sup>nd</sup> Mr. Gosselin***

***Vote 6-0-1 (Mr. Desilets abstained)***

***Motion carries.***

#### **Meeting Minutes Review and Approve**

Deferred

#### **Liaison Reports**

- **Southern NH Planning Commission**
- **Letter received by Mr. Creese for the Southern NH Rail Alternatives Analysis**

#### **Member Binder Update – 2015 Meeting and Submission Schedule**

***Motion by Mr. Carpenter to adjourn the meeting.***

***2<sup>nd</sup> by Mr. Gosselin***

***Vote: 7-0-0***

***Motion carries***

**Adjournment 10:32 pm.**

Respectfully submitted  
Kerry Lee Noel  
Minute Taker