



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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### Approved Planning Board Minutes Wednesday, April 30, 2014 7pm

#### Board Members:

Kristi St. Laurent, Chairman – Present

Alan Carpenter, Vice Chair – Present

Paul Gosselin, Member – Excused

Pam Skinner, Member – Present

Margaret Crisler, Member – Present

Vanessa Nysten, Member – Present

Bruce Breton, Selectman – Present

Joel Desilets, Selectman Alternate - Present

Steve Bookless, Alternate – Excused

Jim Fricchione, Alternate – Excused

David Oliver, Alternate – Present

Kathleen DiFruscia, Alternate – Present

#### Staff:

Laura Scott, Community Development Director

Elizabeth Wood, Community Planner

Laura Accaputo, Planning Board Minute Taker

#### 6:30pm Non-Public (Non-Meeting) with Town Counsel, Attorney Campbell

The Board came out of Non-Public at 7:18pm, Chair St. Laurent called the meeting to order at 7:20 pm, followed by the Pledge of Allegiance, member attendance and a brief synopsis of the agenda.

#### Phase I 2015 Master Plan

-Presentation by SNHPC

- Mr. David Preece presented a Power Point presentation to the Board outlining the purpose and function of the Southern New Hampshire Planning Commission. He explained the purpose of the Master Plan, required chapters (Vision Statement and Land Use), optional chapters, and visioning process for the development of a vision statement that best articulates the desires of the citizens about the future of the community and plans for how to achieve it. He discussed the eight steps of the Master Planning Process; Community Visioning, Data Collection and Inventory, Data Analysis, Evaluating future development scenarios, Future Land Use map and preparing and adopting a plan, Implementing the plan, Monitoring the plan, and Amending and updating the plan. He also discussed the proposed chapters to be completed by SNHPC and the Planning Board for review and adoption in Phase I of the 2015 Master Plan including demographics, existing land use, and regional concerns as well as integrating the results of the community survey and input from the kick-off meeting into a vision statement(s). He then presented a schedule of work beginning on May 2014 with a kick off workshop to help develop survey questions and ending in December with the presentation of the final report to the Planning Board.
- Mr. Carpenter asked if the schedule could be tightened and the final report presented before Halloween and Mr. Preece replied they could move things up and have it completed by the beginning of November with the commitment of the Board. Mr. Carpenter also asked when some of the demographics data would be complete and Mr. Preece replied they already have some of the demographics from the Regional Plan. Mr. Carpenter feels this is important to have before writing the visioning statement and beginning any substantive work.

- Ms. Nysten asked if they would use social media and local media outlets to get the word out and Mr. Preece answered yes.

The Chair opened the meeting to the public at 7:55pm.

- Dan Guttman, Heritage Hill Road, asked about the bank of questions to be asked, what percentage of the town must respond to the survey to indicate true value, and how to ensure a truly representative aspect and broader spectrum. Mr. Preece replied they do have a pool of questions, a response of 20%-30% is very good to indicate true value, and they will have to explore ways to make certain only one response per resident is allowed.
- Ruth Ellen Post, Stonehedge Road, asked what is typically included in Phase II and Mr. Preece stated Phase II involves completing other chapters the town wants covered. It would have to be scoped out with the town and the town would have to go through an RFP process and get funding.
- Mr. Carpenter stated Phase I will update statistics and numbers for the Master Plan and the visioning statement. The Board will also decide the highest priorities such as economic development. He stated it is a prioritization process from Phase I to Phase II.
- Ms. Nysten suggested looking at funding for Phase II this year and asked if the cost for Phase II was known and Ms. Scott replied they scoped for both phases but the cost for Phase II can be whittled down since some of the items scoped out are not needed. She stated there is time to request money through either a CIP or budget process and they may also decide to proceed with Phase II without SNHPC.
- Mr. Desilets stated the survey should include questions about Route 111 such as how people perceive the traffic and whether it should remain a limited access road. Mr. Carpenter agreed stating we can pitch an opinion as a community to DOT. Mr. Preece agreed there is a process to get improvements done on state routes. Ms. Nysten asked if they will provide traffic updates for the future and Mr. Preece replied yes, they have updated their traffic model for the entire region including Windham.
- Mr. Carpenter asked Mr. Preece to forward their existing database of survey questions to the Board.
- Ms. Crisler asked staff to send communication to various committees and boards of the survey so they can provide input. The Chair stated the town website and Master Plan page will be updated with the schedule. Ms. Nysten suggested social media be used in addition to the town website. Mr. Carpenter also suggested an email address be established for the Master Plan for letters of input from the community.
- Ms. DiFruscia asked if the survey could also have a general question for freelance comments.

#### -Meeting Schedule

- The Board discussed the 2014 Planning Board draft schedule as presented by Laura Scott in a memo dated April 10, 2014. Ms. DiFruscia suggested inviting other boards and committees to joint meetings rather than segmenting them. Mr. Carpenter agreed it was a good idea but thought it wouldn't get very granular. He suggested starting with one general meeting and then breaking it down to separate meetings. Ms. Crisler also noted certain boards and committees overlap and therefore could be invited to the same meetings. The Board also discussed holding Public Hearings, Workshops, and Master Plan Workshops on separate weeks and rearranged the schedule to reflect this.

#### **Public Hearings**

Mr. Carpenter read Case #2013-36 into the record.

#### **Case#2013-36/ Customary Home Occupation/Conditional Use Permit/Day Care**

*Continued from 1/15/14*

A Home-Based Day Care Customary Home Occupation/Conditional Use Permit Application has been submitted for 55 Londonderry Road (Lot 5-A-199), located in the Rural District Zone. The applicant, Patricia Miller, is proposing to open a Family Day Care Home at her family's primary residence to provide services for a maximum of nine (9) children, three (3) of which would be part-time, after school care. The hours of operation would be from 7:00am to 6:00pm M-F. The proposed location for the Day Care is the 750 sq. ft. existing in-law apartment. No signage or changes to the exterior of the home are proposed. No employees will be hired.

- Ms. Wood explained this was originally opened for Public Hearing on November 20, 2013 and the applicant asked for and was granted two continuances, the first to January 15, 2014 and the second to April 30, 2014. They are requesting another continuance to either May 21<sup>st</sup> or June 4<sup>th</sup> as the application requires a variance which is scheduled for review by the ZBA on May 13, 2014. Ms. Wood stated since it is not common for an application to be continued 3 times she contacted NHMA for legal advice and they do not have anything in state statute that prevents the Board from continuing the hearing and have no issue with not re-noticing. She stated they also agree with the Boards prior decision to only notify new abutters if a continuance is granted.

**Ms. Crisler motioned to continue the application for Case #2013-36 to June 4, 2014 at 7pm, seconded by Mr. Carpenter**

Mr. Carpenter discussed whether or not to ask the applicant to re-notice the abutters and Mr. Breton suggested since the abutters will receive notification for the ZBA Meeting that staff include the Planning Board notice in that mailing. Mr. Carpenter stated he was very satisfied with that. The Chair went back to the motion.

**Motion passed: 7-0.**

### **Subdivision Regulations**

A public hearing is to be held in accordance with NH RSA 675:6 (Method of Adoption), to adopt amendments to the existing Subdivision Regulations, as allowed under NH RSA 674:35 (Power to Regulate Subdivisions. The amendments include: creating a definition for Minor Subdivisions and Major Subdivisions; making it a requirement for Major Subdivisions to submit a Design Review Application; Classification of the subdivision of existing duplexes, multifamily residences, and commercial condos as Minor Subdivisions; Outlining a process for requesting a Waiver; Procedure for filing a Final Plan; Final Plan Requirements; Requirements for Filing Final Plans at Registry of Deeds. The amendments will also require the demarcation of Wetland and Watershed Protection District Areas, and vernal pool buffer areas. Other amendments were made to make the Regulations in conformance with State RSAs.

**Ms. Crisler motioned to open for Public Hearing, seconded by Ms. Skinner. Motion passed: 7-0.**

- Ms. Wood stated this is the third Public Hearing for Subdivision Regulations and the draft dated April 30, 2014 reflects comments from Attorney Campbell's memo dated April 8, 2014. Attorney Campbell is satisfied with the Boards proposed language in this draft.

The Chair opened the hearing to the public at 9:35pm.

- Tom Case asked in reference to definition of a Minor Subdivision; how a lot line change can create a lot. Ms. Wood explained a lot line change has to follow subdivision process by state law. Mr. Case also pointed out that the last sentence in Section 404.9 uses the word adjourned twice and he believes in both instances adjourned should be changed to continued, the Board agreed.

He questioned why Section 405.1 does not specify the size of the plot plan or number of plot plans required and Ms. Wood explained this is explained on both the application and in Section 400. His final question was what section noted that a condominium conversion had to have documents filed at the Registry of Deeds and Ms. Wood stated she doesn't believe it is in the ordinance and is up to the condo association.

- Karl Dubay stated he believes the condominium documents are required to be filed at the Registry of Deeds by State Law. He also asked if Section 601.18 could be changed to not require a benchmark on all plans only on appropriate plans. Ms. Crisler suggested adding this to the list of Highway Safety items to be worked on.
- Ms. Wood stated that she utilized a track edit program when updating the subdivision regulations.

**Ms. Crisler motioned to approve the Subdivision Regulations as presented with the minor amendments to Section 404.9 by changing the word adjourned to continued where it appears twice in the last sentence of this Section, seconded by Mr. Carpenter.**

Mr. Desilets asked if the Table of Contents Section would be corrected to include the missing Section 405 as well as shifting the page numbers as applicable and Ms. Wood confirmed it would be corrected. The Chair went back to the motion.

**Motion passed: 7-0.**

**Mr. Carpenter motioned to conduct new business after 10pm to address Lot Merger Regulations, seconded by Ms. Skinner. Motion passed: 7-0.**

**Mr. Carpenter motioned to open for Public Hearing, seconded by Ms. DiFruscia. Motion passed 7-0.**

Mr. Carpenter read Lot Merger into the record.

### **Lot Merger**

In accordance with NH RSA 674:39-a Voluntary Merger, the Planning Board will hold a public hearing to adopt amendments to the Lot Merger Regulations and Forms, which include amended language on fees, adding a section on Exceptions and correcting grammatical errors.

- Ms. Scott explained this was brought before the Board a few weeks ago for a workshop and the only change suggested has been made (Section III (d) adding the language "up to" in the first sentence prior to the language three checks). This has been reviewed by Legal Counsel as well as the Assessor.
- Ms. Nysten stated the language "create no increase in the non-conformity of a lot" was deleted without a cross out in Section I and Section IV. Mr. Breton stated it seems to be covered under Section IV (d). Ms. Scott determined the version Ms. Nysten had in her binder was not the most recent version. The Board discussed whether to add this language back on to Lot Merger Regulations and decided they should.

**Mr. Carpenter motioned to approve the Lot Merger Regulations as amended with the addition of the language "create no increase in the non-conformity of a lot" to Section I as paragraph (e) and Section IV as paragraph (g), seconded by Ms. DiFruscia. Motion passed: 7-0.**

Mr. Breton suggested adding the adopted date to the new version and each time it is codified.

## **2014 Planning Board Work**

- a. **2014 Proactive Work List**-Review & prioritize
- b. **2015 Town Meeting List**-Review and prioritize
- c. **2014 Draft Schedule**

The Board discussed prioritizing the most important items from the 2015 Town Meeting List. Mr. Carpenter suggested the Board Members each pick their top three or four items and set a goal to not have a seven page ballot.

- Ralph Valentine made a suggestion on behalf of the WEDC for a Town Meeting item to consider commercial zoning on Route 111 just west of Lowell Road to London Bridge Road. Mr. Carpenter asked if WEDC would do the work on this and present it to the Selectmen and School Board before submitting it to the Planning Board and Mr. Valentine answered yes. Ms. Nysten asked if this was discussed already and the Chair explained it was discussed but there wasn't enough time to consider all of the possibilities.
- Karl Dubay suggested rezoning the intersection of 111 and 128. Mr. Carpenter stated they received a lot of input against rezoning this property. Ms. Nysten stated some of the uses allowed in Commercial A are a desecration to the abutting homes in this area. Mr. Carpenter suggested the Board consider the input from the community survey this summer and based on that feedback decide if the current Definition of Commercial A is reflective of what the town wants for commercial development or if it has to be re-written. He also suggested the possibility of another zoning district between Commercial A and Neighborhood Business District that the homeowners are comfortable with and that gives the property owner the best value out of his property.
- Mr. Oliver stated citizens are invited to get involved. Some wish to be more involved and active than others and it is very helpful.
- Mr. Valentine stated he respects the people that live near this intersection but they chose to live there. He also thinks this Board can help to make it not so intrusive.
- Mr. Desilets suggested looking at changing Commercial B into a more curated Commercial A which will be more amenable to abutters.
- Mr. Carpenter suggested emailing a list of their top items from the 2014 work list to staff and they can prioritize the list.

## **Minutes Review/Approve**

- March 5, 2014 - postponed
- March 19, 2014 - postponed

## **Member Binder Update**

- Planning Board Member Contact List (Tab 1)
- Table of Contents

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

**Mr. Carpenter motioned to adjourn at 11:00pm, seconded by Mr. Breton. Motion passed: 7-0.**

These minutes are respectfully submitted by Laura Accaputo, Planning Board Minute Taker.