



OLD VALUES – NEW HORIZONS

## COMMUNITY DEVELOPMENT

PO Box 120, Windham, New Hampshire 03087

(603) 432-3806 / Fax (603) 432-7362

[www.WindhamNewHampshire.com](http://www.WindhamNewHampshire.com)

### Planning Board Minutes

July 31, 2013

#### **Board Members:**

Kristi St. Laurent, Chairman – Excused

Margaret Crisler, Vice Chair – Present

Pam Skinner, Member – Present

Jonathan Sycamore, Member – Excused

Sy Wrenn, Member – Excused

Vanessa Nysten, Member – Present

Ross McLeod, Selectman – Present

Kathleen DiFruscia, Selectman Alternate, Excused

Alan Carpenter, Alternate Member – Present

Jim Fricchione, Alternate Member – Present

#### **Staff:**

Laura Scott, Community Development Director

Elizabeth Wood, Community Planner

Cathy Pinette, Planning Board Minute Taker

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

Vice Chair Crisler called the meeting to order at 7:04 pm, followed by the Pledge of Allegiance, member attendance and gave a brief synopsis of the agenda.

The Vice Chair appointed Mr. Carpenter to sit for Mr. Wrenn and Mr. Fricchione to sit for Ms. St. Laurent

#### **Design Review Subcommittee Member Appointments**

- Ms. Scott stated the Board has already interviewed two candidates, David Demers and Emma Martsof, at the 7/17 meeting and also had interest from Paul Gosselin who sent a letter of interest and Babar Khan who was in attendance this evening.
- Mr. Khan addressed the Board. He stated he has been a resident for 13 years relocating from Kansas. He has sent the Board his CV which was included with his interest letter. Professionally he is an engineer and has a Master's Degree in Civil Structure Engineering. He has owned his own business for many years and worked with municipalities and various boards. Mr. Khan discussed his extensive qualifications and experience.

#### **Questions/Comments from the Board**

- Does Mr. Khan have any clients or business that would come before the Planning Board. Mr. Khan stated no and he does not expect to.

- What are some examples of work Mr. Khan has done in Kansas. Mr. Khan stated he did the Smithmoore Development which comprised a 300 – 400 lot subdivision which lasted 10 yrs, water system design for the town, and work at McConnell Air Force Base.
- The Board asked Mr. Khan if he had read the Design Review Regulations. Mr. Khan stated no. The Board asked if he would review them if he was appointed and Mr. Kahn stated yes. The Board asked if he was familiar with State Statutes. Mr. Khan stated he has worked with several state agencies.
- The Vice Chair thanked Mr. Khan for his interest. It was decided that the Board would go into non-public session at the end of the meeting to discuss the appointments. The applicants would be notified by Ms. Scott.

Ms. Skinner read the Notice for Public Hearing Windham High School – Freestanding Sign into the record. The Vice Chair stated the Board would not make a ruling on this and it was just a public informational hearing and was non binding.

Mr. McLeod recused himself from the Board.

### **Public Hearing Windham High School – Freestanding Sign**

The proposed freestanding sign for Windham High School is to be located in the Town ROW on London Bridge Road approximately 30’ from the double yellow centerline and 3’ from the NHDOT Rt 111 ROW. The sign is to be an electronic reader board sign and no more than 12’ high, as measured from the surrounding natural grade and including the sign base. This hearing is being held in accordance with Section 712 & 706.3.2.3 of the Windham Zoning Ordinance.

- Ms. Scott stated the Board of Selectmen voted at the 7/15 meeting to permit the proposed sign be located in the Town ROW. Details are in her memo dated 7/25 that the Board has in their packet. Sign and electrical permits will still be required.
- Mr. Don Bielinski and Ms. Robin Cino on behalf of the Booster Club addressed the Board. Mr. Bielinski stated the Booster Club had donated the electronic reader board to the High School. Posting will be done by the principal, the athletic director and the Booster Club. The Police and Fire Departments will be able to override the message in case of an emergency. There will also be a plug installed for a generator

### **Questions/Comments from the Board**

- Is the sign scrolling and one color. Ms. Cino stated it is not scrolling and lettering will be one color - amber. Messages will appear and then disappear.
- Does the placement of the sign obstruct a driver’s view. Mr. Bielinski stated no. Chief Lewis asked Mr. Bielinski if the sign placement has been staked. Mr. Bielinski stated yes. Chief Lewis stated he has viewed the staked area and it will not obstruct views.

- Is the sign parallel or perpendicular to the street. Mr. Bielinski stated perpendicular.
- The Vice Chair stated it is disappointing that the sign message will be changing, the Board wanted to stay away from that as it is distracting.
- Ms. Cino stated they didn't know how often the sign would change and that will be discussed with the principal, the athletic director and the Booster Club.
- Will the Town be able to post events on the sign. Ms. Cino stated that will be discussed with the principal, the athletic director and the Booster Club.

The Vice Chair opened the hearing to the public at 7:32 pm.

- Ms. Cheryl Haas, Recreation Coordinator, stated she would like to be able to have a message for the fireworks and senior picnic if possible.
- Mr. Tom Case stated he is confused about the procedure. He has looked at the Town Regulations for site plans, signs and government use of land. He read the pertinent Sections to the Board. He stated the Board can make recommendations as to whether or not the sign conforms to the Regulations which they do not. He stated the BOS should have applied to the Planning Board to put the sign in the ROW. He stated reader boards are against the Regulations. He also quoted from Peter Loughlin's land use text.
- Mr. Bob Leonard of Meetinghouse Rd stated he was under the impression that the proposed sign was going to be like the sign that was already at the school. He has read the ordinances and the sign regulations.
- The Vice Chair told Mr. Leonard that the school was a government entity and they did not have to follow the Town Regulations.
- Mr. Charles Wingate of 15 York Rd stated a recent survey stated 80% of the Town thinks we would be like Andover and Bedford and they have electronic reader boards. He thinks the Planning Board is opening themselves up to a lawsuit with our Regulations and we should allow them.
- . Scott stated the applicant is not the Booster Club but the School District.
- When asked about the sign ordinance, Ms. Scott stated that electronic reader boards are not allowed in the Town at all.
- The Board asked Mr. Bielinski what the cost is to build the sign with granite as opposed to bricks. Mr. Bielinski stated the sign will have granite accents, the address will be engraved in granite but most of the sign will be brick. From a fundraising standpoint granite would be more expensive. He stated the material is being donated.

The public portion was closed at 7:55 pm.

Mr. McLeod was seated back on the Board.

- Ms. Scott stated in her memo of 7/25 that per zoning the Board is required to have an annual workshop for impact fees. The school impact fees were adopted in 2012 and the public safety fees were adopted in 2008. Recreation impact fees were discussed last year but the Recreation Committee was not interested at the time.

### **Impact Fee Workshop**

Overview of Impact Fees - Public Safety (Police and Fire) - Current Assessment - Amount Collected - Amount Expended - Proposed Assessment

- Mr. Bruce Mayberry of BCM Planning gave a presentation to the Board on public safety impact fees which is on file at the Community Development Office. He stated at the present time the public safety impact fee assessments as developed in 2007 – 2008 are not sustainable. The original impact fee basis was principally based on expansion of the police station and development of a satellite fire station. No progress has been made in these areas. If capital improvements are not made in the time frame of 6 years that money will need to be returned. His recommendations are in his report.
- The Board asked Mr. Mayberry if they could build a second fire station and have an impact fee in future years to pay it off and Mr. Mayberry stated yes.
- Mr. Mayberry stated the Board should make sure they build enough space for future needs and be sure they build in 6 years. He said the actual collections of impact fees were only 17% of the projections of \$450,000 and could be because of grandfathering. Mr. Mayberry said that he thought that was a big difference. The Board asked if he has a list of properties the Town did not collect impact fees for. Mr. Mayberry stated no and explained how he looked at how many square feet of commercial development were constructed and building permits from 2009 – 2012 as well as assessment records.
- Mr. McLeod stated we should maintain the status quo, comply with the RSA's, the needs accrue as the population increases, politics play a role and he would like option 5 of Mr. Mayberry's recommendations. Mr. Carpenter agreed with option 5 and stated when they adopted the fees it was a bad financial period and we should continue to collect them and spend the money already collected. He suggested it could be spent on engineering for a Fire Department substation.
- Mr. McLeod stated the BOS has talked about expanding the Police Department and Mr. Mayberry's report does not include that. Mr. Mayberry stated he did not have that information. Mr. Fricchione stated he does not want to collect the fees and then come up with something to buy at the last minute. Mr. McLeod read the State Statute on impact fees for the Board. The Board discussed a capital reserve fund for the money. Mr. Mayberry stated the Board should get a legal opinion on that. Ms. Nysten discussed and asked for clarification of when impact fees are allowed to be charged and when they are

not allowed and used the school as an example. Ms. Scott stated that impact fees are for future needs not current deficiencies.

- Chief Lewis stated he read the report and he has discussed it with Mr. Mayberry. He stated we are just coming out of a financial crisis. He stated they went before the voters for two expansions and they were rejected. There has been no growth in his Department in over 8 years but the community is growing. He would like to do some engineering in the next few months with money that has been collected from impact fees.
- Chief McPherson stated his Department has been increased by 4 positions but they have always talked about a future substation which has kept being pushed out. He would still like to do this. The best place is near the Searles and Range Rd., Rt. 28 areas. It would reduce response time with the call volume. He stated according to the International Assoc. of Fire Fighters, the Department is about 3 substations behind and the first one should be in West Windham. Before we say we need a substation, we need to look at if the Town supports it, where it should be, land acquisition, engineering designs, etc. He spoke about having an area in the substation for the Police Department and also possible 25% funding from the Federal Government if an emergency / communication center is incorporated. The Public Safety impact fee is for infrastructure the way it is written now for such things as engineering, land acquisition, etc. He needs work on the current ventilation system but he has to use the money for future needs. He supports impact fees if they are done right because they take the burden off the tax payer.
- The Board asked Chief McPherson if he would need new employees for a substation or could they use existing employees. Chief McPherson stated that regardless of a substation, at some point they would need new employees as they would need the manpower to respond to the call volume but could redeploy from the existing station. Ideally, the plan should be to take the people and equipment at the time and move them around to serve the community.
- The Vice Chair asked Mr. Mayberry if they had a fire substation with a place for police if they could use the public safety impact fee for that. Mr. Mayberry stated he thinks they would have to keep the money separate between police and fire.
- The Board discussed the fees being too large or too small. Mr. Mayberry stated he has never seen impact fees be a deterrent to people moving to a Town, and the Board can always go back and change the fees if need be.
- Mr. Charles Wingate addressed the Board. He stated the concept the Board needs to look at is Rational Nexus. He stated there has to be a logical connection between impact fees and development. He stated consumers do not pay the fee, developers do. He thinks the Board should keep the current fees due to grandfathering and economic impact. They are a way for the Board to control growth.
- Mr. McLeod stated the CIP should pay attention to the fees and not sit on them.

- Ms. Nysten asked Chief McPherson if he still wanted to have a committee look into a possible satellite station. Chief McPherson stated yes and since 2006 it has been on the CIP list. He needs to know if it will become a reality and not have it fall by the wayside before a sub-committee works on this due to the time involved and wants to be realistic about the time frame.
- The Vice Chair asked the Board if they wanted to have a public hearing or decide at a later date. Mr. Carpenter stated we needed coordination with the Planning Board and CIP. He questioned if there would be an opportunity to change the mix of what we collect on and if when the impact fees were passed if WFH was included. Both the Vice Chair and Ms. Scott stated there are impact fees on WFH, however, all condos are exempt from the school impact fee (incl. WFH).
- Regarding the public safety impact fees, Mr. McLeod stated he doesn't see anything that needs to be changed.

**Mr. McLeod motioned to keep the impact fees for public safety as they currently are, seconded by Ms. Nysten. Motion passed 5 – 1 with Mr. Carpenter against as he would like to see the structure of the fire impact fee changed.**

- Ms. Nysten stated that the potential amount of impact fees that could have been collected of \$450,000 vs. the actual amount collected of \$76,000 is a big difference. Ms. Scott stated that she will be looking at that in early fall and that it could be because of grandfathered lots. If nothing was grandfathered we would have realized the projected amount. Ms. Nysten would like an accounting of the discrepancy because impact fees reduce the tax burden for the tax payers.

#### **School - Current Assessment - Amount Collected - Amount Expended - Discussion about Amending Assessment**

- Ms. Scott stated there were no proposed changes and she just received the summary from Ms. Call as to the monies collected. The School Impact fee was adopted by the Planning Board in May 2012 and is to help pay for capital expenditures already approved by the Town for capital expenses related to the Kindergarten and High School.
- Mr. Roger Hohenberger spoke about why there is no impact fees collected on condos as the numbers are so low. They use the school records and see how many students attend from condos. Ms. Nysten questioned Ms. Scott if the large houses on Granite Hill are single family or condos. Ms. Scott stated they are condos, were built before she was in the Department and not sure if the Planning Board assessed a fee. The Board discussed how they define condos that are exempt. It was suggested the Board look at this. Ms. Scott stated that single family detached fee simple lots are charged school impact fees. Mr. Carpenter questioned if seasonal cottages that are converted are paying a school impact fee. The Board discussed this and Ms. Scott will check on this.

Mike Joanis of the Windham School Board spoke about collecting for future expenditures and stated he couldn't see not using school impact fees over the next six years. The Vice Chair stated the School Board had a lot of proposals before the voters last year and they are now paying down the bond for the High School. Ms. Scott stated there is a little money being collected from the Spruce Pond Subdivision that is paying the older school impact fee that can be used toward studies, but the rest of the money is to pay off the High School bond. Mr. Joanis expects the student enrollment to go from roughly 2,800 students to roughly 3,100 students in the next few years.

- Mr. Hohenberger stated that every revision he has done on the impact fees since 1999 is on the actual and need for future build out. Without having a plan he doesn't know how much money is needed per student to build. He did not have a figure as the School Board does not have a well defined plan.
- Mr. Joanis stated when they look at the projects they think they will need to do, the amount would be around 45M.
- The Vice Chair stated to Mr. Joanis that Mr. Hohenberger needs to have a plan for projections. Mr. Joanis stated he cannot say and it is depending on what path they take whether a new school or an addition. Mr. Hohenberger stated he needs the numbers from the School Board. The Board questioned why they do not have anything that's related to the facilities master plan in the school impact fees when we've seen concrete numbers for their capacity. Mr. Hohenberger stated the analysis for additions to schools per square footage for children changed last year. He doesn't know how to predict how many children/sq. footage will be in 6 years. You cannot use impact fees for current deficiencies. He needs to know how many additional students you are building for in order to compute the impact fees.
- Mr. Carpenter would like the Board to increase the school impact fee and does not see a detriment in that. Mr. Fricchione agreed with Mr. Carpenter.
- Mr. Joanis stated he would go back to the School Board and get a safe number for number of students in a classroom.
- Mr. Dennis Senibaldi stated the School Board needs to redefine and do it quickly. We have a pretty well defined Master Plan. He thinks the impact fee should be for capacity. There is cost and square footage data for both a new school and an addition. The desire to increase the school capacity will continue.
- The Board and Mr. Hohenberger discussed when you base impact fees on certain methodology and the Board deviates from that, somebody could contest that. The Vice Chair stated there was a discussion with Mr. Mayberry that if we have impact fee for a substation, can we use that money for expansion of the fire station, and he stated that was ok. Wouldn't the rational be the same for a new school versus an addition?

- The Vice Chair asked the School Board to get some figures to Mr. Hohenberger. Mr. Hohenberger will come back before the Board by the end of the year with new projections.

The hearing was opened to the public at 9:57 pm.

- Mr. Charles Wingate stated it does not have to be square footage and he explained why stating it would cap your impact fee when it is tied to square footage. He suggested doing a capital cost per student which allows you to include media rooms, air conditioning, fields, etc.

The public portion was closed at 10:00 pm.

### **Recreation - Discussion about the development of impact fees for future capital expenditures**

- Mr. Dennis Senibaldi, for the Recreation Committee, stated they have a lot of challenges. They looked at a lot of new projects and the Committee would now like to explore an impact fee. They have a project now, Spruce Pond, which they will be doing.
- The Board discussed the turf at Griffin Field in regards to the different sports played there and the wear and tear. They have some things on the Master Plan and would like to do the whole field if they were going to re-turf.
- Ms. Scott stated that Mr. Mayberry drafted Recreation impact fees in 2008 and they could use that as a template and update it. Mr. Senibaldi stated he would have a discussion with the Chair and Vice Chair at the next meeting. He stated the biggest expenditures over the next few years are more fields.

### **Non Public Session**

**Mr. Carpenter motioned to go into Non Public Session at 10:13 pm under RSA 91-A:3 II (c), seconded by Ms. Skinner. Roll call vote all in favor.**

The Board was back in public session at 10:24 pm.

**Ms. Skinner motioned to appoint Barba Kahn and David Demers to the Design Review Committee for 3 year term, seconded by Mr. McLeod. Motion passed 6 – 0.**

### **Adjournment**

**Mr. Carpenter motioned to adjourn, seconded by Ms. Sinner. Motion passed 6 – 0.**

**Meeting adjourned at 10:25 pm.**

These minutes were approved 9/4/13 and respectfully submitted by Cathy Pinette, Planning



Board Minute Taker.