



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Approved Planning Board Minutes

Wednesday, July 29, 2015

7:00pm @ Community Development Department

Board

Members:

Alan Carpenter	Chairman	Present	Joel Desilets	Selectman	Present
Paul Gosselin	Vice Chair	Present	Gabe Toubia	Alternate	Present
Kristi St. Laurent	Member	Present	Matt Rounds	Alternate	Present
Ruth Ellen Post	Member	Present	Kathleen Difruscia	Alternate	Excused
Margaret Crisler	Member	Present	Ross McLeod	Selectman/Alternate	Excused
Dan Guttman	Member	Present	David Oliver	Alternate	Excused

Staff:

Laura Scott, Director, Community Development

Suzanne Whiteford, Minute Taker

Chairman Carpenter called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance, member attendance with introduction of staff.

Annual Impact Fee Workshop

Laura Scott reviewed purpose of annual meeting and referred to memo dated July 22, 2015 from Ms. Scott to The Planning Board, Board of Selectman, Chief Lewis, Chief McPherson, David Sullivan, Adam Steel, Dana Call, and Tina McCoy.

Chairman Carpenter confirmed with Ms. Scott that the Board of Selectman and the School Board were invited. Chairman Carpenter recognized and thanked Mr. Hohnenberger for attending tonight's meeting as a Selectman representative. Chairman Carpenter recalled that the Planning Board reviewed, discussed, and voted on the impact fees and asked the Planning Board if there were any questions or discussion.

Ms. Post inquired about the Public Safety Impact Fee police portion balance of \$69,250.17 and the fire portion balance of \$102,544.74; as the funds remain unrequested should a friendly reminder memo be sent to police and fire reminding them of the outstanding balances. Ms. Post pointed out that unrequested balances are returned after six (6) years.

Chairman Carpenter agreed with Ms. Post that a friendly memo including the available balances and a reminder of what qualifies for use of the money be sent to the Board of Selectman, the Fire Chief, and the Police Chief.

Ms. Scott explained that Chiefs are aware of the balances and agreed to draft and send a memo to the Fire and Police Chiefs as requested by the Planning Board.

Ms. Guttman agreed that a reminder will be timely for the Fire department as they recently met and have a significant number of items on their road map.

Mr. Gosselin relayed that the Fire and Police Chiefs are aware of the available money. The Chiefs have difficulty qualifying for impact money within the restraints of the guidelines for spending impact fees. Chairman Carpenter and Mr. Rounds agreed the language for requesting impact money can be structured to meet the need for new equipment while remaining with the legal guidelines for using impact money.

Chairman Carpenter recognized (and thanked) Mr. Murray in attendance for this evening's meeting representing the School Board.

Ms. Crisler requested to have a recreational impact fee put in place. Ms. Crisler verbalizes she makes a request annually for a recreation impact fee. She believes it is especially needed at this time to help relieve with the burden of recreational fees that will be placed on the taxpayers as a result of growth and development. Ms. Crisler invited Mr. Hohnenberger to assist in the development of a recreational impact fee.

Ms. Scott acknowledged Ms. Crisler's annual request and shared that she takes the request to the recreation committee annually, and the recreation committee has not had an interest in participating in the development of a recreation impact fee. However, Ms. Scott will follow up again with the recreational committee.

Ms. Crisler reminded Ms. Scott it is not up to the recreation committee to make a decision regarding the development of an impact fee. The decision for a recreation impact fee is up to the Planning Board and the Board of Selectman. The Planning Board is asking the recreation committee for their advice on what facilities they think the town may need.

Roger Hohnenberger, Board of Selectman

Mr. Hohnenberger acknowledged he agreed to work on developing a recreation impact fee and will move forward as promised now that he has completed the school impact fee. Mr. Hohnenberger cautioned Ms. Crisler and the Board that he anticipates the number to be so small that the administration of the impact fee would not be worth the collection of it. Mr. Hohnenberger also anticipates the fee may be collected and remain unused for six years and end up being returned.

Ms. Crisler commented that the town has grown from a few hundred children participating in the town's recreation to over 1000, and we are looking to add a few more hundred.

Mr. Hohnenberger thinks something like lights may qualify for an impact fee, but the cost is not significant; and unless the voters approve it, the impact fee can't be spent for something it is not approved for.

Mr. Guttman offered to assist Mr. Hohnenberger with the recreation impact fees.

Chairman Carpenter asked if the Board for their input regarding a letter be sent about available public safety impact fees to the fire and police chiefs. Mr. Gosselin does not think a letter needs to be sent. Ms. Post clarified the spirit and intent of the letter is to serve as a friendly reminder and not be interpreted as a

reprimand, and include an offer to meet and/or dialogue with them about the fee. Chairman Carpenter concurred and requested the letter be sent on behalf of the Planning Board.

Chairman Carpenter asked the Board their wishes regarding Mr. Hohnenberger developing a recreation impact fee. The Board agreed unanimously and requested Mr. Hohnenber to work on a recreation impact fee. Ms. Scott will send a letter to the recreation committee to provide input and assistance to Mr. Hohnenberger and Mr. Guttman in the methodology for the recreation impact fee.

No comments from the public.

Soils-Based Regulations Workshop

Workshop to review proposed amendments to the Zoning Ordinance, Site Plan Regulations and Subdivision Regulations

Ms. Scott referred to the memo on file addressed to Ms. Scott from Steven B. Keach, P.E. of Keach-Nordstrom Associates, INC. Ms. Scott recalled the Planning Board wanted to look at soil based lot sizing language (not changing the lot size). Ms. Scott explained, as outlined in Mr. Keach's memo, that New Hampshire Code of Administrative Rules recognizes Site Specific Soil Survey Mapping to be used for land use permits. Windham requires applicants for land permits to use High Intensity Soil Survey Mapping standards. The Planning Board requested Mr. Keach's assistance in providing information comparing site specific soil testing mapping and high intensity soil survey mapping for consideration in their decision regarding the above mentioned zoning considerations.

Mr. Keach explained that lot sizing in Windham is soil based on High Intensity Soil Survey Mapping standards. Mr. Keach explained the development and adoption of the above mentioned form of methodology. Mr. Keach referred to table A-1 attached to his memo, and explained that Windham lot sizes are approximately 1.5 to 2.0 larger than the model ordinance lot size prescribed with a median value around 1.7. The preferred methodology for soil site surveying by the SSNNE and the DES is Site Specific Soil Survey Mapping Standard. Mr. Keach explained in depth the mapping standards used in table A-1, and that changing from High Intensity Soil Surveying to Site specific would bring the ordinance alignment with the state mapping standards. Mr. Keach explained that Site Specific Soil Survey mapping is a national standard; High intensity soil survey mapping is only used in New England. Ms. Scott explained that staff wanted the mapping standards for the town and the state to be the same to provide confidence in approvals at the town level being the same as what is presented to the State. SSNNE maintains a conversion table for every existing soil type in Rockingham County.

Chairman Carpenter asked Ms. Scott if conservation committee was asked to weigh in on changing the mapping standard. Ms. Scott relayed conservation committee was not opposed to changing mapping standards as long as it did not change the lot sizing standards.

Chairman Carpenter asked the Board if they were in agreement to send the proposed change to the conservation committee and ask them to weigh in. The Board was in agreement with the notification to the conservation committee.

Ms. St. Laurent asked if there had been any retrospective audits comparing the outcome of permits on file using both methods.

Mr. Keach explained that what Ms. St. Laurent is suggesting is not be necessary as it is mathematically impossible to arrive at a different outcome.

Ms. Crisler reviewed with Mr. Keach that soil type determined drainage adequacy which determined minimum lot size. Mr. Keach agreed with Ms. Crisler's analysis and further explained the relationship between soil, drainage and how it determines minimum lot size.

Mr. Rounds asked if there is any possible negative impact to switching mapping standards.
Mr. Keach does not know of any possible negative impact.

Chairman Carpenter directed staff to draft a memo outlining the proposed change and asking for their input. Mr. Gosselin asked if conservation commission being asked to weigh in for further consideration during a workshop or is their input for a public hearing.

Ms. Post wants to be certain there are no differences in the outcome, and asked if the change applies to commercial and residential? Ms. Post asked for confirmation that the outcome will be virtually identical. Mr. Keach explained the soil based regulations applies less to commercial because the applicant is not dealing with a density situation. The mapping standard is primarily used for residential development Ms. Scott clarified that the standard used for commercial will have the same implication.

Ms. Crisler requested to include in their memo to conservation committee that while looking at soil based lot sizing are the making lots big enough considering the amount of water being withdrawn for residential daily use.

Mr. Desilets pointed out the question regarding lot size was asked on the master plan town survey. Based on the results of the survey lot size was adequate.

Chairman Carpenter asked Mr. Desilets to check that result, he recalls that the results indicated there was a desire for a larger lot size.

Mr. Gosselin sees Ms. Crisler's request regarding minimum lot sizes as a separate issue from the consideration of adopting a different mapping standard for land permits.

Chairman Carpenter agrees with Mr. Gosselin and confirmed that both issues in the same memo may seem connected to one another and each issue stands alone and is cautious of the law of unintended consequences. Soil based lot sizing is one of the foundations for our town, if we are going to change it we need to do our due diligence and is worth coming back for another workshop.

Mr. Guttman agrees with Mr. Gosselin to keep the issues separate.

Ms. St. Laurent again requests for an audit to compare the outcomes of retrospective applications using both methodologies.

Ms. Scott will pull a sampling of retrospective developments and have Mr. Keach look and compare the outcomes using both surveys.

Mr. Desilets asked Chairman Carpenter to poll the Board regarding a letter to be sent to conservation commission regarding lot size.

Chairman Carpenter polled the Board. The Planning Board agreed, 5 out of 6 members to ask the conservation committee's input regarding increasing the minimum lot size.

2016 Town Meeting Zoning Ordinance Workshop

Reviewing and prioritizing amendments to the Zoning Ordinance and/or Zoning Map for 2016 Town Meeting.

Board and Staff discussion regarding items listed on memo on file dated July 22, 2015 from Ms. Scott to the Planning Board titled 2016 Town Meeting Items for Consideration.

Ms. Scott requested the Planning Board draft the language with explanation for staff identified issues and bring back to the Board for approval

Mr. Desilets suggested to table the following items listed in the above referenced memo: Sign Ordinance, Accessory Apartment Ordinance, seasonal residence definition, section 601.4.9, Grammar and other edits.

Ms. Post suggested looking at GMO in terms of ground water availability as it has been a growing issue for a very long time which would need to include a ground water town inventory.

Mr. Gosselin doesn't know how to base a GMO on water because a GMO is not intended to be permanent therefore how will a GMO provide long term provision for water availability.

Mr. Desilets pointed out that we would never get to a point of activating a GMO based on our projected growth.

Ms. St. Laurent commented that lot sizing may not qualify for a municipal service; and she believes it is a good idea to look at the schools for developing a GMO based on past history of growth and the need for having a GMO in place.

Chairman Carpenter asked the Board if there are any items not on the list that need to be discussed.

Chairman Carpenter thinks elderly housing was not identified as clearly as they should have been and volunteered to work with Ms. Woods on the issue and bring it back to the Board.

Ms. Crisler thinks the elderly housing overlay should be removed, 55 is not elderly, it is essentially a free ride to multi-developing housing and it is building a demographic that will always vote against schools.

Mr. Desilets does not support discussion on elderly housing, the ordinance limits the elderly housing in town.

Ms. Post agrees with Mr. Desilets and has literature she desires to share regarding 55 and over demographic.

Mr. Gosselin would like to take elderly housing off the table for discussion at this time.

Mr. Guttman does not want to discuss or make any changes at this time.

Ms. St. Laurent does not want to make any changes at this time.

Mr. Toubia thinks we should get rid of the 55+ zoning ordinance.

Mr. Rounds agrees with Ms. Crisler, no need to subsidize that age bracket of 55.

Consensus of the Board to remove elderly housing from the table for discussion at this time.

Chairman Carpenter asked to add an agenda item to add a buffer between an existing housing development and adding an open yield plan subdivision.

Board is in agreement to remove items listed above per Mr. Desilets suggestion, from 2016 Town Meeting Items for consideration.

Discussion of 2016 CIP Request – 2015 Master Plan Phase II

Board discussion resulted in a decision to hire a consultant for the 2015 Master Plan Phase II. Board polled for submitting a CIP request for a \$50,000 for a consultant to work on the 2015 Master Plan Phase II and the committees currently working on chapters continue their work and complete the chapters. Ms. Scott will review the CIP submission with Chairman Carpenter prior to submission.

Staff switched, Ms. Scott left, Ms. Wood seated

Public Hearing – 2015 Master Plan Chapters (continued from July 8, 2015)

By authority granted under NH RSA 674:1m the Windham Planning Board is proposing to adopt the following chapters to be included in Phase I of the 2015 Master Plan Document: Current Land Use and Regional Perspectives, in accordance with the procedure outlined in RSA 674:4.

Mr. Gosselin reviewed changes made to above listed chapters.
Open to the public, no public present

Motion by Ms. Crisler to adopt Current Land Use and Regional Perspectives chapters to be included in Phase I of the 2015 Master Plan Document in accordance with the procedure outlined in RSA 674:4. as presented

Second by Ms. St. Laurent

Vote 7-0-0

Motion carries

Public Hearing - 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: Revising the definition of cul de sac (Section 300); approval process for commercial condominium conversions (Sections 204, 405.2); add provision regarding Wetland and Watershed Protection District and Vernal Pool Buffer Area marking requirements (Section 601.39); closed drainage and open drainage standards (Section 602.1.6, 610); design requirements of cul de sacs (Section 602.2.4); and a provision regarding cleaning of drainage structures (Section 901.24).

Motion by Mr. Guttman to adopt amendments to the existing Subdivision Regulations, as allowed under NH RSA 674:35 (Power to Regulate Subdivisions). The amendments include: Revising the definition of cul de sac (Section 300); approval process for commercial condominium conversions (Sections 204, 405.2); add provision regarding Wetland and Watershed Protection District and Vernal Pool Buffer Area marking requirements (Section 601.39); closed drainage and open drainage standards (Section 602.1.6, 610); design requirements of cul de sacs (Section 602.2.4); and a provision regarding cleaning of drainage structures (Section 901.24) as presented.

Second Mr. Gosselin

Vote 6-1-0 Ms. Post opposed for reasons stated with regards to WWPD markers

Motion carried

Motion by Mr. Desilets to approve Meeting minutes April 29, 2015 as amended
Second by Mr. Guttman
Vote 5-0-2 Mr. Desilets and Ms. Post abstained
Minutes approved

Motion by Mr. Desilets to approve meeting minutes May 20, 2015 as amended
Second Mr. Gosselin
Vote 6-0-1 Mr. Desilets abstained
Minutes approved

The Searles Building is accepting donations for a stained glass window to be placed in memory of the passing of Mr. Robert Skinner. Please contact Searles chapel 603-890-6259 to make a donation

Motion by Mr. Desilets to adjourn
Second by Mr. Guttman
Vote 7-0-0
Meeting adjourned 10:15pm