



OLD VALUES - NEW HORIZONS
PLANNING AND DEVELOPMENT

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Planning Board Minutes

September 16, 2009

Roll Call:

Phil LoChiatto, Chairman – Present	Rick Okerman, Vice Chairman - Present
Nancy Prendergast, Secretary –Arrived at 8:30pm	Walter Kolodziej, Member - Present
Ruth-Ellen Post, Member – Present	Pam Skinner, Member – Present
Louis Hersch, Alternate – Excused	Kristi St. Laurent, Alternate – Present
Sy Wrenn, Alternate – Present	Bruce Breton, Selectman Member - Present
Ross McLeod, Selectman Alternate - Excused	

Staff:

Laura Scott, Town Planner – Present
Tracey Mulder – Admin Asst. – Present

Call to Order/Attendance/Pledge of Allegiance

Mr. LoChiatto opened the meeting at 7:00 pm, followed by the Pledge of Allegiance. Seated for Nancy Prendergast is Sy Wrenn.

Continued Public Hearing

Site Plan Review & WWPD Special Permit Application

A Wetlands and Watershed Protection District (WWPD) Special Permit & Site Plan Review Application has been submitted for Lot 11-A-161 at 8 Ledge Road, which is located in the Limited Industrial Zoning District. The applicant, Karl Dubay of MHF Design Consultant, on behalf of Radial Properties LLC, is proposing the expansion of an existing contractor's material storage yard, with associated site development, landscaping, and drainage improvements, a majority of which is in the WWPD.

At the September 2, 2009 Planning Board meeting, the Board voted 6-0 to grant the waiver submitted under Section 1108 of the Site Plan Regulations to combine the Pre-Submission and Final Submission Application processes into one public hearing (Sections 400-405).

Ms. Scott summarized the action items taken from the September 2, 2009 meeting and discussed the memos included in the Board's packet:

- Email and memo from Mr. Cairns
- "Tree Growth Rate" chart submitted by Mr. Brandes.

Mr. LoChiatto asked Mr. Dubay to update the Board on the progress that has been made between the abutter and Radial Properties. Mr. Dubay, of MFH Design, addressed the Board speaking on behalf of Radial Properties. Mr. Dubay indicated Radial Properties received NH DES Wetland permits and all permits have been received from the state. He went on to say that it is his understanding that Mr. Cairns, of Radial Properties, and Mr. Brandes, the abutter, have had multiple discussions since the September 2, 2009 Board Meeting trying to reach an amicable agreement with respect to noise control and screening.

Mr. Glen Cairns addressed the Board and discussed the cutting of trees in small triangle as was mentioned at the last September 2nd meeting. It was agreed that Radial Properties will plant a total of 12 trees consisting of a mix of 8' to 12' White Pine and Hemlock (if Hemlocks are available) on the Brandes property. Radial Properties will plant trees on the Brandes properties to provide year round screening. Mr. Cairns believes that this solution has rectified the screening and buffer concerns made by Mr. Brandes. In addition, Mr. Cairns indicated that he submitted a few options to the Planning Board to address the noise control issues with one option being to follow the Town Rules and Regulations and the other is to maintain the current site plan approval restrictions. Mr. Cairns addressed the Board regarding the trees tagged on the wetlands and explained not every tree that is flagged is being cut down. Only certain tagged trees were being cut down and the trees would not be cut down to the abutter's property line.

Mr. LoChiatto clarified with Ms. Scott that the regulations require all trees 12' and over need to be surveyed. Ms. Scott indicated that this was correct. Mr. LoChiatto asked Mr. Cairns, since all the trees were tagged, if he delineated between which trees stayed and which trees were to be removed. Mr. Cairns answered all trees identified for removal were on the plans and he met with Mr. Brandes in his office and explained the new tree line and new clearing limits. Mr. Cairns indicated before they actually cut down the trees, the trees to be cut will be flagged.

Mr. LoChiatto wanted added to the file the email from Mr. Brandes that confirms that Mr. Cairns and Mr. Brandes have come to an agreement.

Mr. Kolodziej asked what type of warranty is offered if the trees died within one year and Mr. Cairns said the trees had a one-year warranty from the nursery.

Mr. Cairns indicated he received a final NH DES wetlands permit from the state and all state permits are in hand.

Mr. LoChiatto conferred with Ms. Scott what items were still outstanding. Ms. Scott replied the WWPD Special Permit not been granted yet from the Planning Board and that she did not have any outstanding items of concern.

Mr. LoChiatto asked if the members were satisfied with the plan and Mr. Kolodziej discussed the memo regarding the submitted hours of operation. Mr. LoChiatto discussed the hours of operations regarding Town ordinance vs. what the Planning Board approval was when the plan

was originally approved. Radial Properties submitted a proposed hours of operation versus what on the current site plan approval. Mr. LoChiatto asked Mr. Cairns to outline the basic differences. Mr. Cairns explained the current town ordinances identifies hours of operations 7 a.m.-10 p.m. Monday thru Saturday and Sundays 9 a.m. – 10 p.m. There is discussion about exemptions and enforcement by the police department in the ordinances. Mr. Cairns has unease regarding the language in Section IV: Regulation Applicability that reads “It shall be unlawful for any person to carry on the following activities if such activities create a noise disturbance that generates a complaint”. Mr. Cairns will work within the Town ordinance and the Zoning Ordinance with regard to noise levels.

Mr. LoChiatto asked the Board for their thoughts on the memo submitted by Radial Properties regarding their hours of operation. Ms. Post commented that she appreciated their thoroughness and fairness with their presentation and it seems to her that the new noise ordinance trumps whatever the Planning Board did several years ago and she is please they are willing to abide by the new ordinance.

Mr. Kolodziej discussed the expansion of the hours and the current Site Plan approval. Mr. LoChiatto thought this was interesting because Town Ordinance seems to be more permissive than what Mr. Cairns was proposing. Mr. Cairns said he is happy to abide by the current Town ordinance. Mr. LoChiatto thought it seemed to be clearer under the new ordinance because the original site plan approval discusses high noise levels. Since noise levels are hard to define, by seeking to change the hours of operation to conform to the current ordinance, Mr. Cairns is better off because within the current Town regulations, there is an enforcement mechanism in place for an abutter to seek a remedy.

Mr. LoChiatto asked about the occasional odd hours. Mr. Cairns said if they are running odd hours they are working off site on state or municipal projects that require them to work off hours. He provided examples for the occasional type of projects that do require the Site to work after hours.

Mr. LoChiatto discussed that the Board still needs to address WWPD special permit and major site plan approval. Ms. Scott has no conditions to add to the approval but asked the Board to determine Radial Properties hours of operation.

Mr. LoChiatto opened the discussion to the Board and asked for a motion.

Ms. Post had a question of the regulatory reference for WWPD permit under Section 601.4.8 that lists the criteria for the special permit. Mr. Dubay indicated everything was on the Plan and the plans have not changed since their original review.

Ms. Post asked for clarification about the small triangular area that is a Wetland and Mr. Dubay indicated the DES has already given a permit for this area. Ms. Post asked about what mitigation efforts were involved. Mr. Dubay answered the following conditions for the Site Plan:

1. Wetland permit was issued with standard conditions as well as a special condition that orange construction fencing be placed and married together with silt fencing that surround the limits of work of this project so that an equipment operator understand the limits of vegetation cutting and limits of work.
2. Alteration of Terrain Permit Issued by NHDES
 - a. Storm water reports on file
 - b. Plans on file
 - i. Erosion, sedimentation control records, details and performance items and notes on details on plans and operations and maintenance of storm water reports.

Mr. LoChiatto mentioned that in the past, the Board has made a point to include in the motion that the applicant is to provide maintenance Schedules but he does not think this would be necessary since this is part of the two permits already issued by NHDES. Mr. Dubay indicated there were also EPA permits requirement, SWPP Plans, reports and reporting and these are all legal requirements on this project along with monitoring and reporting. This information is referenced in the permit documents, plans and storm water reports.

Motion by Ms. Post to grant the Special Permit request made for 8 Ledge Rd. lot #11-08-161 based on the fact that the WWPDP criteria of 601.4.8 have been met and DES wetlands permits is in place and erosion control and other mitigation measures are outlined in detail on the plans. And, in light of the variance granted by the ZBA on July 28, 2009, for the expansion of current use in the WWPDP. Second by Mr. Breton. Motion carries 7-0.

Mr. Breton made motion to approve the site plan for lot 11-8-161 for 8 Ledge Road with the following conditions:

1. Hours of operation during construction shall be between the hours of 7:00 AM and 10:00 PM Monday through Saturday and 9:00 AM and 10:00 PM Sunday.
2. Hours of operation after construction shall be 7:00 AM & 10:00 PM Monday through Saturday and 9:00 AM and 10:00 PM Sunday.
3. Noise levels shall be restricted to those levels allowable under current Zoning and Land Use Regulations 714. Noise.

Second by Ms. Post. Ms. Post asked for clarification with regard to Regulation 714. Ms. Scott replied that this was the Zoning Ordinance. Mr. LoChiatto said he thought it should be noted that during construction, erosion control and ensuring the wetlands are protected, that best management practices will be in place.

Motion carries 6-0-1 Mr. Okerman abstaining.

New Public Hearing

Mr. LoChiatto recused himself and handed the gavel over to the Vice Chair, Mr. Okerman.

Preliminary Site Plan Review

Mr. Okerman read into the record that the Preliminary Site Plan Application has been submitted for Lot 13-A-196 at 5 Industrial Drive, which is located in the Limited Industrial District. The applicant, Mr. Chris Nickerson, of Edward Herbert Associates, Inc., on behalf of Abaco Real Estate Enterprises LLC, is proposing a building with 18,900sqft office & 3,000sqft warehouse space, 92 parking spaces, and all associated drainage and landscaping improvements.

Ms. Scott reviewed the proposal and information for the Board noting:

1. This is a preliminary Site Plan Review
2. Abutters and public have been notified
3. This has gone to the Technical Review Committee on June 9th and September 8th (copies of memos are in packet)
4. Plans have not gone to Town consulting engineer for drainage and traffic review.
5. Currently no outstanding items by Ms. Scott or other department heads.
6. One memo from the Police Chief
7. Plans in packet showing proposed drainage, parking, landscaping and site development.

Mr. Kolodziej motioned to accept as complete. Second by Mr. Breton. Motion passed 6-0.

Mr. Chris Nickerson provided an overview of the proposed building site located on Lamson and Industrial Drive. Mr. Chris Nickerson explained the use for the site is a commercial office building and it will be for doctors, engineers, and lawyers. The architectural plan calls for the same theme as the kindergarten (Windham Co-op) across the street. Mr. Chris Nickerson has done all the drainage study, lay out parking and landscaping and is presenting the plans before the Board before submitting them to the Town's consultants.

Ms. Post commented for full disclosure that she is not an abutter but does live in the neighborhood and wants the applicant to be aware in case he had a problem with her living so close; however, Ms. Post said this will not affect her opinion and Mr. Chris Nickerson had no comment.

Ms. Scott commented that the police chief voiced concerns with the driveway location at the Technical Review Committee (TRC) meeting and it was proposed moving the driveway 10 feet further east; however, the police chief thinks 20 feet closer to property line would be better. Ms. Scott met with Mr. Peter Zohdi and he did not think this would be a problem but he would like to review the site distance to ensure there are no turn conflicts with the abutting property's driveway. Ms. Scott indicated there will need to be a traffic study done.

Mr. Chris Nickerson showed a copy of the building layout plans and driveway for the Board and showed the Board on the plans where the driveway would be moved and he did not see any problem with site distance or traffic movement and they will move the driveway per the police chief's request.

Ms. Scott reiterated this has not gone to the Town engineer who reviews plans for traffic and drainage issues but this has gone to the TRC twice.

Motion to move to public hearing by Ms. Skinner. Motion Second by Mr. Kolodziej. Motion carries 6-0.

Attorney Arnold Croft, of Croft and Brooks, addressed the Board representing the abutters, Three Industrial Drive Condo and Mr. McCoy, of lot #13-A-197. Mr. McCoy and the Condo Association has concerns regarding the proposed site with regard to the warehouse space on the site and the type of traffic this will incur with trucks entering and exiting the parking space. In addition, the plans have 92 parking spaces resulting in numerous trips on and off site on a daily basis increasing traffic flow in the front of the Condo Driveway and the Daycare Center. Mr. Croft was hoping there would be a discussion with regard to the safety concern on this site with just one entrance and one exit. Any accident, disabled car would cause a problem for the site and the neighborhood. The main concern raised by the plan Mr. Croft is hoping to resolve is the driveway. Mr. Croft was hoping the driveway would move in different direction and unfortunately based on what Mr. Chris Nickerson presented tonight, it appears as though the Driveway is moving closer to his client's property. Mr. Croft has concern with left and right turn with driveways, specifically with increased traffic, people turning 'right' out of proposed site and 'left' out of condo site will have conflicts.

Mr. Croft recognizes this is a preliminary hearing and his client has no desire to impede the process to move forward with the proposed building, he is asking the Board members and the Town to give some due regard to the abutter and to consider his concerns.

Ms. Scott answered some of Mr. Croft concerns regarding the parking spaces and the warehouse space. Ms. Scott explained to Mr. Croft that current square footage zoning requires only 82 spaces and the proposed building site is only adding 10 more making it 92 parking spaces. The warehouse for the building is the basement and will be used as storage for upper offices. Ms. Scott noted that this is not a tractor-trailer warehouse and any trucks coming onto the site would be for normal delivery services. Mr. Croft asked Ms. Scott to note that the term warehouse actually means basement and he asked to have this on the plans.

Mr. Chris Nickerson gave further explanation regarding the proposed building, basement and elevators. A site crew reviewed the area and a site distance profile was submitted on the plans.

Mr. Croft added that they are trying to be cooperative and wants both parties to have the ability to get in and out of their prospective driveways. He specifically asked Mr. Chris Nickerson about the site distance and turns coming in either direction. Mr. Chris Nickerson indicated that it was in both of their best interest to maintain a clear view of sight from both properties.

Mr. Croft asked about snow storage capacity and how they would be clearing the snow and what portion of the driveway and parking lot would be kept clear. Mr. Chris Nickerson answered that they did not want huge mountains of snow and showed on the map where they would have snow storage and it was well outside of any site distance for either sites. All snow storage would be scattered around the site and the snow will be pushed so it will not impede the site of drivers and the abutter.

Mr. Okerman closed the hearing to the public and opened to the Board for discussion.

Ms. Post asked hypothetically, if it would be feasible to move the driveway significantly west to somewhere in the middle of Industrial Drive. Mr. Chris Nickerson answered that the reason they chose the east most portion on the site is due to grading on the site. Mr. Chris Nickerson said they are trying to match the contours to what is on Industrial Drive and to be in agreement with the police chief's request.

Ms. St. Laurent was wondering since the front and side of the building facing the street will have landscaping would the back side of the building coming from the north toward the Industrial Park which is the gateway to the Industrial area also have landscaping. Mr. Chris Nickerson indicated there would be 6 ft evergreens to screen the rear of the proposed building from and an existing residence on Lamson Road. Mr. Chris Nickerson said what they were trying to do was to showcase the front of the building. The other portion they wanted to showcase was the north elevation that cars would see traveling on the 28 from Roulston or from Lamson Road entering Industrial Drive. After further evaluations, they it did not appear the back of the building received a lot of visibility.

Ms. St. Laurent asked about signage of the building. Mr. Chris Nickerson said that each tenant would have their own signage and the architects would make the front of the building aesthetically pleasing.

Mr. Kolodziej noted that he agreed with Ms. St. Laurent that the back of the building should be made to look better with breaking up the blandness and should have some type of landscaping design.

Motion to close preliminary review by Mr. Breton. Second by Ms. Skinner. Vote carries 6-0

Ms. Prendergast arrived to the meeting at approximately 8:30.

Meeting Minutes – Review & Approve 9/2/09

Motion to approve minutes by Mr. Breton with corrections. Second by Ms. Post. Motion carried 6-0-1 with Mr. Okerman abstaining.

1. Seated for Mr. Okerman changed from Ruth-Ellen Post to Kristi St. Laurent.

2. Changed comment by Ms. Prendergast to say: Ms. Prendergast stated that it would make sense to open for public hearing first because Mr. Ward does meet the zoning requirements and then evaluate the waiver.

Conditional Approval Extension Request

1 Wall Street (11-C-701) CVS/Park & Ride/Commercial Building

Mr. LoChiatto outlined the CVS Park and ride requesting a 4-month time extension on conditional site plan approval that was granted on June 17, 2009. The reason for the request is that the applicant is still addressing conditions of approval, which include:

1. NHDES Individual Sewage Disposal System Approval
2. NHDES Water Supply Approval
3. NHDOT Driveway Permit

The applicant does not anticipate these permits will be issued within the original 120-day period (6/17/09 to 10/15/09) and are asking for more time.

Mr. LoChiatto spoke with Ms. Scott regarding the Town's conditional approval time limit and whether or not it should be reviewed because our subdivision approval grants one year and our site plan grants 4 months.

A motion by Mr. Breton to grant applicant an additional 4-month extension as requested from 10/15/09 to 2/15/09. Second by Mr. Okerman.

Ms. Post thought it would be a good idea to include in the motion information about reason the applicant is seeking an extension. Mr. Breton revised the motion to grant the applicant an additional 4-month extension because they are still seeking individual septic approval, DES water supply approval and NHDOT Driveway Permit.

Motions carry 7-0.

2010 Town Meeting Proposed Amendments

1. Small Wind Energy Systems

Ms. Neelima Gogumalla, from Go Green Windham, addressed the Board proposing an ordinance to allow Small Wind Energy Systems in Windham. Wind turbines and the towers, which are part of the structure, violate the height limits in the current Zoning Regulations. Ms. Gogumalla is requesting the Planning Board review the current height ordinances for structures as it might specifically affect wind towers.

At a previous meeting, the Board had concerns about the length of the model ordinance. With input from Ms. Scott, Mr. McGuire and Mr. Dubay, the ordinance was significantly trimmed down. Ms. Gogumalla believed this new version of the proposed ordinance would meet the

Boards requirements regarding length and is comprehensive enough for future applicants, and provides a general checklist for building inspectors. Ms. Gogumalla gave a presentation to the Board outlining the purpose, definitions and procedures for review and the checklist. The purpose of the small wind energy system is enacted in accordance with the RSA 674:62-66 to accommodate small wind energy systems in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established.

Ms. Gogumalla reviewed the items contained in the proposed ordinance.

Mr. LoChiatto asked about the selling of a property with an existing wind energy system. Ms. Gogumalla answered that she believed this would be built into the original plan where the homeowner would have money in escrow and if they sell the property, the money would be used to remove the tower, if that is what the new owner wanted. Ms. Scott said she met with the building inspector to discuss the escrow process and they did not advocate for this process because it would be logistically impossible to track. Ms. Scott believes this should be a condition of the sale. Ms. Scott believed that if a new property owner did not want the liability of the system on their property that they will make it part of the sale agreement.

Mr. Breton asked about the weight of a small wind energy system and Ms. Gogumalla answered that it depends on the height and would vary according to vendor.

Mr. Breton asked about the fall zone of this type of system and Ms. Scott responded that the fall zone was part of the setback.

Mr. LoChiatto asked how to identify an abandoned system if it continues to spin. Ms. Scott responded that the abandonment provisions are in place but it would be difficult to tell if it were abandoned unless a neighbor called to report it as abandoned. However, Ms. Gogumalla replied that most likely if someone is putting a 30K piece of equipment on their property they will be using it until it falls apart.

Mr. Okerman commented there are smaller roof mounted systems and wondered how that would work into this ordinance. Ms. Gogumalla has seen these on rooftops in cities such as Boston, but did not include them as part of her presentation because the rooftop energy systems are still in their initial stages as far as residential is concerned. Ms. Scott said that with this ordinance you could still use the mounted house wind system without setback requirements. Mr. Kolodziej asked how many small wind systems would be allowed per site and Mr. LoChiatto responded since they did not fall into each other's fall zone then there could be more than one. Ms. Gogumalla indicated that the energy generated from these systems is to be used for onsite consumption and if you had three or more than you are sending it back to the grid and you will need a new set of permitting processes.

The Board had a discussion regarding how many towers could be on a residential lot. The Board decided that it would be important to identify in the proposed ordinance that one tower per lot only.

Mr. Breton asked if the power generated can be sold back to the grid and Ms. Gogumalla responded yes the energy goes back to the grid and you get credits. Mr. Breton wondered if it was a requirement to have a house in order to have a tower and Ms. Scott responded that yes a house is required because the purpose of the ordinance is to allow onsite consumption.

The Board had a discussion with the wording of the proposed ordinance indicating that it would probably be a good idea to say that in order to have a tower a residential structure needs to be on the site. Ms. Scott recommended the wording be changed to an 'accessory use to a residential structure'. And, for this ordinance it needs to be 'residential' otherwise it becomes a site plan. And, for site plan there is already a process in place and this ordinance is for building permit only. Ms. Scott clarified that the Board to change the ordinance to "to restrict one per lot and make it clear that it is an accessory use to a residential structure". Mr. Okerman did not agree to limit the tower to just one per residence because if someone wanted the roof mounted tower they will need at least three; however, the larger size could be limited to one.

Mr. LoChiatto indicted there are different technologies available and could be included in the ordinance and it would be prudent to add to the ordinance. Ms. Scott asked Mr. Okerman for the language he would like regarding the smaller roof mounted systems. Ms. Scott clarified to the Board that this will be an accessory use to a residential structure so there will not be a tower on a site without a house.

The Board recommended that the wording under Section C for Procedure for Review: Building Permit is changed to add the word 'residential'.

The Board discussed if it would be feasible to have the wind energy system in business districts as well as residential and how it would affect the zoning. The purpose of this regulation is because citizens wanted to put these in their house.

Mr. LoChiatto asked Ms. Scott and Ms. Gogumalla for clarification as to how they arrived at the decibel number because the state statute indicates 55 decibels and proposed ordinance indicates 60 decibels. Ms. Gogumalla stated that this was a number that Ms. Scott and Mr. McGuire reviewed and they came up with this number. Ms. Scott clarified that the decibels can't be lower than 55 per NH RSA and she and Mr. McGuire thought 60 would be a reasonable number.

Mr. LoChiatto asked what the average height of a tower of this type would be and Ms. Gogumalla answered that the 150 ft. is a maximum height but towers come in various sizes.

Mr. LoChiatto clarified for Ms. Scott and Ms. Gogumalla that the ordinance should be changed to include:

1. One free standing tower
2. Multiple on building (with Mr. Okerman to provide language)

Ms. Prendergast said for her it made sense to allow it for business but she hasn't seen it in effect anywhere and Ms. Gogumalla said she will send Ms. Prendergast by email information regarding other communities in our area who have adopted this ordinance and have installed towers.

Mr. LoChiatto thought a good compromise might be that the Board could add non-residential uses an amended site plan.

Mr. Breton asked for clarification regarding the terminology of stock manufacturer colors. Ms. Scott indicated that most turbines are gray or white and this is to ensure unusual colors are not used. Mr. Dubay added he thought that the color recommendation information should be included.

Changes will be made to the proposed ordinance as directed by the Planning Board.

Workforce Housing

Ms. Scott addressed the Board regarding the revised amendment. Ms. Scott, Ms. Pendergast, and Ms. Bev Donovan met with developers to go over perceived barriers and Ms. Scott revised the documents to incorporate their changes and explained to the Board the changes on the zoning.

The Subcommittee working on this for the 2010 Town Meeting agreed to draft some proposed zoning amendments and bring them to the Board to review. There were three items discussed:

Impact Fees
Accessory Apartments
Soil Based Lot sizing

Ms. Scott explained that these items can be stand alone for Town meeting, and Ms. Prendergast will be presenting to the Board at the next meeting a draft overlay ordinance and the overlay ordinance can be adopted independent of the proposed changes and if they are all adopted they can all work together. Ms. Scott also explained to the Board that all items in the revised document that is underlined and bolded is new language to be added and anything with a strikethrough and bold is current language to be removed.

Impact Fees

Proposing to add 715.8.3 for reduction to impact fees as defined in state law.

- Proposal to reduce impact fees by 50% for WFH units

- A developer must request reduction when they submit application

Mr. Kolodziej wanted to know if WFH was primary rental property and Ms. Scott replied that no this could be condominiums, single-family homes, duplexes, apartments etc. The housing is more of a price point than a type of housing.

Mr. Kolodziej does not understand the burdened of impact fees when trying to get affordable housing. Mr. Kolodziej thought 100% waiver should be granted. Mr. LoChiatto thought a few ways to approach impact fees would be to give a straight 50% discount or to provide a sliding scale. Ms. Scott thought a sliding scale would be difficult because a barrier to the developer is not knowing what the exact impact fee would be. There was further discussion by Ms. Scott and Mr. LoChiatto regarding the calculation of impact fees for affordable housing.

Ms. Scott conveyed to the Board that the developers want to know up front what the price of the impact fee is going into the project. By having a sliding scale, the developers don't know the amount of the impact fee until they request a building permit or final approval and this makes it more difficult for the developer.

Mr. Kolodziej agreed with Mr. LoChiatto because the WFH impact fee is a small amount of money and this has not impeded a developer from moving forward on a project because the developer includes it in the price of the house.

Mr. LoChiatto discussed a mechanism that would allow a fixed scale for the price of a house. As an additional incentive if the developer can build the house at a lower cost than what they originally thought, perhaps the impact fee could be lower based on the lower price.

Ms. Scott conveyed to the Board that they were trying to make the WFH impact fee process easier and tonight is the time to decide this because Town meeting is upon us and need to make the decision tonight.

Mr. LoChiatto decided to take the sliding scale idea off the table and leave the flat rate whatever that may be. Mr. Kolodziej commented to the Board that impact fees are an onerous tax and should never have been implemented.

Mr. LoChiatto discussed one way to remove the barrier would be to eliminate impact fees all together or reduce them by a decided amount. Mr. LoChiatto asked the Board if they want to keep the impact fees at 50% or reduce it. Ms. Post thinks that the 50% is fine. Ms. Scott explained that she would like to see the impact fee reduction for WFH at 100%. Ms. Scott came up with the 50% because it is an acknowledgment that municipal services are still be utilized.

Mr. LoChiatto wanted the Board to consider if the Board removed impact fees if it would incentivize the builder. Mr. Breton thought that the impact fees for WFH should be reduced by 100% and this would entice the builder to build WFH. Mr. Kolodziej commented that every fee

added on to the builder affects the people who are on the lower economic level and this could cheapen the structure.

Mr. LoChiatto asked to put the impact fee at the maximum and get public input and if the public does not like this then there can be discussion. It is much easier to go for the whole amount and then negotiate back.

Mr. Dubay addressed the Board about wording on Section 8.3 indicating he would like to see some language changed and would submit these changes to Ms. Scott.

Soli Based Lot Sizing

Further discussion regarding lot size standards on Appendix A-1 by Ms. Scott proposing to add the lot sizing standards for WFH developments. One of the barriers for WFH was lot sizing and density because if you can get a denser development you can have more units and lower prices. Ms. Scott has added to the document the state DES standards for lot sizing, septic and well. This is a 'set' standard that has been tested and used all over the state and she is proposing that this be written into the regulation for WFH.

Accessory Apartment

Ms. Scott addressed the Board indicating that Windham already allows accessory apartments in all residential zoning districts. Ms. Scott described the purpose of the changes regarding accessory units.

Ms. Skinner asked if this new language would include a garage with an apartment on it and Ms. Scott answered that yes it would be included. Ms. Scott is trying to make the regulations clearer and more concise.

Ms. Scott explained the driveway needs to look as though it will appear as a single-family residence and that the septic needs to be the same well and septic; however, she was negotiable on the well and septic. However, based on a lot size, a residence could have a well and two septic systems and it is feasible to think that this could happen. Mr. LoChiatto thought that it might be good idea to write into the regulations that a property can have more than one well and septic system if their property size allows it.

Another area of change Ms. Scott discussed was the covenants, easements and development restrictions not only should be at the registry of deeds, the Planning Department and the Assessors Office should get a copy before a Certificate of Occupancy is issued.

Planners Report

Laura submitted Planners report. Ms. Scott discussed the Economic Development Program to be held at the Windham High School and the survey that will be handed out.

Adjournment

Motion to adjourn at 9:40 by Mr. Kolodziej second by Mr. Okerman. Motion passed 7-0.
List the time adjourned

These minutes are respectfully submitted by Tracey Mulder.