

BOARD OF SELECTMEN
Minutes of October 1, 2012

MEMBERS PRESENT: Selectman Roger Hohenberger called the meeting to order at 7:00 PM. Selectmen Phil LoChiatto and Kathleen DiFruscia were present, as was Town Administrator David Sullivan. Selectmen Bruce Breton and Ross McLeod were excused. Mr. Hohenberger opened with the Pledge of Allegiance.

ANNOUNCEMENTS: Mr. LoChiatto announced that the skate park was, again, vandalized over the weekend; as well as the playground. Discussion ensued, and Mr. Sullivan advised that the damage included feces, pulling up of the fence, and removal of the signs.

LIAISON REPORTS: None.

MINUTES: None.

CORRESPONDENCE: Mr. Sullivan advised that a request had been received from the Windham Historical Society to be added to the Searles School and Chapel non-profit list. After a brief discussion, Mrs. DiFruscia moved and Mr. LoChiatto seconded that they be added to the list as requested. Passed 3-0.

ANNOUNCEMENTS CONTINUED: Chief McPherson announced that the Fire Department would once again be wearing pink this year in recognition of Breast Cancer Awareness Month; from October 8th through the 19th. Shirts will be on sale on 10/13 at the Fire Department Open House, as well.

Chief McPherson then advised that the Department will be conducting their annual Self Contained Breathing Apparatus training on the following day at 1 PM on Roulston Road. Staff will be using a vacant house donated for this purpose, and members of the Salem Fire Department will be training with them. Also, on October 18th, staff will undertake Rapid Intervention Training at this same site. Brief discussion ensued regarding training burns, which are not planned, and additional upcoming training.

Mr. LoChiatto requested the Chief update the Board on the status of grant applications, and the Chief indicated he has nothing to report at this time.

Community Development Director Laura Scott extended thanks to the Windham High School for inviting the business community, town departments, and local nonprofits to their site for the Internship, Community Service, and Job Fair; noting there were over 100 students who attended.

Ms. Scott advised that, on October 9th, the second in the free Business Seminar Series will take place; the topic of which will be Customer Service. Those interested in attending should RSVP to her at 432-3806. Ms. Scott also noted that as part of the Harvest Festival on October 13th, the local business community will be participating in the Trick or Treat at Griffin Park and, on October 14th, Windham Learning Center will be hosting an open house from 1-3 pm. She then indicated that she is also working to schedule an open house for the new Black Moose Country Store.

LAURA SCOTT: Ms. Scott requested that the Board accept a donation in the amount of \$250 from Pentucket Bank; which she explained would be used to cover the costs of the free business seminar series. Mrs. DiFruscia moved and Mr. LoChiatto seconded to accept with thanks. Passed 3-0.

Driveway Ordinance: Ms. Scott explained that, as part of a course she teaches, she had worked with the Fire and Highway Departments to develop a scenario in which her class, acting as "Town Administrator", was required to develop a draft Driveway Ordinance for presentation to the Board of Selectmen. She indicated that two of the eight students were present and, subsequent to that evening, the Highway Agent would be taking the document further.

The students gave a brief background of the class' process in developing the document, and then briefly summarized some of the items requested by the Highway and Fire departments regarding the ordinance relative to fees, sizing for safety vehicles, and culverts. It was explained that the students had endeavored to keep the draft in line with existing ordinances, and had included a waiver clause as well as grandfathering for existing driveways. The draft ordinance/application/fees were then reviewed with the Board.

Mrs. DiFruscia extended thanks to the students for their work, then questioned the need for a professional engineer to sign off on the work. It was clarified that one of the project participants was actually an engineer in Bedford; thus the reason it was included. Mrs. DiFruscia then noted her ongoing concerns regarding Stormwater run-off, suggesting some type of definition regarding same should be included, as well. Discussion ensued.

Mr. LoChiatto echoed Mrs. DiFruscia's thanks regarding the class' efforts; noting development of such an ordinance is a daunting task. He then went on to note that, from a builder's point of view, he would have some concerns regarding these requirements; adding that such perspectives should always be considered when developing such documents. Mr. LoChiatto also echoed Mrs. DiFruscia's concerns regarding impacts to the ponds, adding that any overlapping ordinances would need monitored closely, and procedural/timing issues between this permit and State permits. Discussion ensued regarding statutory requirements for review, which department would handle the applicants, and procedural issues. Mr. LoChiatto then expressed concerns regarding the proposed 15' setback requirement for site distance; suggesting it is very far back.

Mr. Hohenberger noted that this document is a great start, and then sought clarification as to who would handle enforcement. It was explained that the document would be adopted by the Board of Selectmen, and enforced, statutorily, by the Highway Agent.

Mr. Hohenberger then noted that the document lacks a waiver provision, which should be included in every ordinance, that all references to "DPW" would need to be amended, and that the mailbox setback may need to be adjusted. Brief discussion ensued.

Mr. LoChiatto then inquired whether the students had compared their proposal to the State's ordinance and how this local ordinance would apply, if at all, to properties on State roads. Brief discussion ensued.

Mr. Bob Coole, Morrison Road, approached noting that a 250' site line as proposed would involve extensive tree cutting in the Town's right of way; which would be the Highway Agent's responsibility. He indicated he believed this was excessive; adding that on scenic roadways, such as Morrison Road, home values may be diminished by such tree removal. Mr. Coole then sought clarification of enforcement/penalties, noting that he believed driveways were private property. Discussion ensued regarding infringement on property rights, frontage requirements, and what individual owners, the Town or State have control over. It was noted that the primary focus of the class had been relative to public safety access, drainage/run-off, and the like as opposed to infringing on individual rights, and a discussion ensued regarding intent versus what is drafted.

Mr. Sullivan noted that, as a first draft, he believed the students had done a tremendous job. He indicated it did need some work, but was overall a job well done and could very much serve as a template for any Town looking to develop a similar ordinance. Deputy Chief Bill Martineau approached concurring that the students had done a great job, adding that they were a pleasure to work with.

DONATION ACCEPTANCE: Mr. LoChiatto moved and Mrs. DiFruscia seconded to accept with gratitude the donation of \$750 from the Windham Baseball Softball League to offset some of the costs of mosquito spraying. After a brief discussion, motion passed 3-0.

OLD/NEW BUSINESS: Mr. Sullivan reviewed with the Board a draft letter to the State regarding the potential transfer of the Golf Course property to the National Guard; noting that some of the Board members had raised concerns regarding the language referring to “highest and best use” of the property.

Mrs. DiFruscia indicated she would suggest it be changed to “consistent with current zoning”, as it echoed the concerns expressed in the Economic Development Committee’s letter. Mr. LoChiatto indicated he would prefer it remain “highest and best use”, however, he would be fine with stopping it after the word “development” as an alternative. After brief discussion, it was the consensus to end the sentence in question after the word “development”; and to not reference either “highest and best use” or “consistent with current zoning”. Further, brief discussion ensued, however no further changes were made.

NON-PUBLIC SESSION: Mr. LoChiatto moved and Mrs. DiFruscia seconded to enter into nonpublic session in accordance with RSA 91-A:3 II c and e. Roll call vote all “yes”. The topics of discussion were reputations and legal.

The Board, Mr. Sullivan and Ms. Scott were in attendance in the first session.

Ms. Scott updated the Board on a legal matter relative to an accessory apartment. No decisions were made.

The Board and Mr. Sullivan were in attendance in the final session. Mrs. DiFruscia moved and Mr. LoChiatto seconded to appoint Ms. Neelima Gogumalla and Mr. Scott Baetz as Regular members of the Technical Advisory Committee. Passed 3-0.

Mrs. DiFruscia moved and Mr. LoChiatto seconded to adjourn. Passed 3-0.

Meeting adjourned at 8:05 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

NOTE: These minutes are prepared in draft form and have not been submitted to the Board for approval.