



OLD VALUES - NEW HORIZONS
PLANNING AND DEVELOPMENT

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Planning Board Minutes 4/21/10

Roll Call:

Phil LoChiatto, Chairman – Present	Rick Okerman, Member – Excused
Nancy Prendergast – Vice Chair- Present	Ruth-Ellen Post, Member – Excused
Kristi St. Laurent, Member – Present	Sy Wrenn, Alternate – Present
Louis Hersch, Alternate – Excused	Breton, Selectman Member – Present
Pam Skinner, Member – Present	Ross McLeod, Selectmen Alternate Member – Excused

Staff:

Laura Scott, Community Development Director – Present
Elizabeth Wood, Town Planner - Present
Tracey Mulder, Planning Assistant – Present

Call to Order/Attendance/Pledge of Allegiance

Chairman LoChiatto opened the meeting at 7:04PM, followed by the Pledge of Allegiance.

Mr. Wrenn is seated for Mr. Okerman. Ms. Post is excused with no one seated in her place.

Mr. LoChiatto presented Mr. Walter Kolodziej a service award from the Planning Board and the Community Development Department commemorating his eleven years of service on the Planning Board. Mr. Kolodziej accepted the service award and said it was his pleasure to serve the Board for the past eleven years.

Workforce Housing Special Town Meeting Discussion

Chairman LoChiatto recapped the joint meeting that was held on March 31, 2010 between the Planning Board, the Board of Selectman and Town Counsel. The attendees at that meeting discussed whether or not a special Town meeting would be held to put forth a Workforce Housing Ordinance. This is in reaction to the failure of the Town to pass a Workforce Housing Ordinance, as mandated by State Law, at the last Town vote. Chairman LoChiatto also noted that after the discussions during the joint meeting it appeared as though the need for a special Town meeting was not urgent.

Ms. Scott summarized the April 7, 2010 Planning Board meeting. At that meeting, the Board had requested a there be a discussion at the 4/21/10 Planning Board meeting to determine if there would be a need for a special Town meeting. Ms. Scott presented a timeline to the Board to show how they needed to proceed if they wanted to combine a special Town meeting with the September primary. Ms. Scott mentioned that she consulted with Town counsel regarding the deadline schedule and noted for the Board that if they wanted a special Town meeting on the same day as the September primary they would need to have the final language of the Ordinance completed by August 4, 2010 in order to meet the deadline.

Chairman LoChiatto briefed the Board on how the State Statute came about and said even though the Town did not pass the ordinance; this does not alleviate the fact that the Town still has the responsibility to provide a reasonable opportunity for the development of Workforce Housing. Ms. Scott indicated at this time, no new applications have been submitted to the Community Development Department. Ms. Scott explained to the Board even though the Town does not have an ordinance in place, the Community Development Department does have a process in place for applicants.

The Board discussed how they will proceed in addressing the Workforce Housing ordinance and whether or not a special Town meeting would be needed or if they would wait until 2011.

The Board discussed the specifics of the application process and what the costs would be to the Town. Ms. Scott reviewed for the Board, the application process noting that the applications would be reviewed by staff and if the application does not meeting current zoning and needs a variance, then the applicant would be directed to the Board of Adjustment to seek relief, if the applicant was granted relief then they would come before the Planning Board for review and if needed at that time, they could request subdivision or site plan waivers. In addition, Ms. Scott noted that it was unknown at this time what the additional costs, if any, would be for the Town.

Chairman LoChiatto indicated from his perspective this is not as urgent a need as he had previously thought and after speaking with attorney Campbell, he is relieved to know there is a process for the applicants. His concern was because of the overwhelming defeated at Town Meeting for both the Planning Board and citizens petition articles and if a special Town vote is held and the Ordinance is defeated again it will make it more difficult to get the Ordinance passed in March 2011 at the regular Town vote.

The Board members had a discussion regarding the pros and cons of holding a special Town meeting or holding off until March 2011 and relying on the builders remedy and/or the ZBA, if the applicant needs relief, until an Ordinance is in place. The Board also noted that if an applicant does not need to seek relief then they can go through the normal process before the Planning Board.

Chairman LoChiatto said his personnel position would be to hold off on a special Town meeting. Mr. Wrenn said that if a special Town meeting his held for Workforce Housing it may be perceived that the Board is trying to push something through during the summer months and he thought perhaps going through the normal process and waiting for the 2011 Town vote may be the best approach to allow all the citizens to weigh in.

Ms. St. Laurent said she understands the concept of voter fatigue, but still thinks that voter education is the best route and the Town would benefit by having an ordinance in place and the sooner an ordinance is in place the better it will be for the Town.

Mr. Breton made motion to not ask the Board of Selectman for special town meeting. Second by Mr. Wrenn. **Motion passed 4-2. Ms. St. Laurent and Ms. Prendergast opposed.**

Mr. Ross McCleod, Ex-officio Alternate Planning Board Member, addressed the Board indicating he thinks it is a good idea to get public comment before making their decision tonight.

Public Hearing Case #2010-7: Minor Site Plan Application

Vice Chairman Prendergast read the application into the record indicating that a Minor Site Plan Application for a Free-Standing Sign has been submitted for Lot 11-A-150L (7 Ledge Road). The applicants Scott and Alison Fisette, on behalf of 7 Ledge Road, LLC, are proposing to locate a free-standing sign, 11' high and 30 sq. ft. in area.

Scott Fisette, addressed the Board and is requesting a change to the signage of his business.

The Board asked what materials will be used for the sign and if the sign will be lighted. Mr. Fisette explained the sign it is made of white sheet metal with vinyl stickers, will not be lit, and is within approximately 3 feet of where he currently has a temporary sign. Ms. Wood noted the sign meets the sign size criteria and setbacks.

Motion by Mr. Breton to approve case #2010-7 for a Minor Site Plan for 7 Ledge Road, lot 11-A-150L, for Fisette Small Engine Repair. Second by Mr. Wrenn. **Motion passed 6-0.**

Cobbetts Pond Watershed Protection Land Development Application- MAJOR

Vice Chairman Prendergast read the application into the record indicating that a Major Cobbetts Pond Watershed Protection Land Development Application has been submitted for Lot 21-K-46 (32 Turtle Rock Road). The applicant, Edward N. Herbert Associates, Inc., on behalf of J & K Realty Trust is proposing to construct a single-family dwelling on the site.

Ms. Wood addressed the Board noting the applicant has adequately met all requirements of the Cobbetts Pond Watershed Protection Ordinance.

The Board took a five minute recess from 7:40-7:45PM.

Mr. Peter Zohdi, of Edward Herbert Associates, addressed the Board showing the current and the proposed dwelling on a map. Mr. Zohdi explained that the existing house will be removed and the garage will remain. In addition Mr. Zohdi noted that the existing house has more impervious area than the proposed dwelling. The applicant has a received a Shoreline permit from the NH DES, approved variances from the ZBA. There is a report from the Community Planner that the applicant is complying with the rules of the Cobbetts Pond Protection District.

Mr. Zohdi noted that this application is categorized as a Major proposal because the proposed building will render more than 20% or 2,500 sq. ft. of the lot impervious, as defined in Section 1.4h, Cobbetts Pond Watershed Protection Ordinance. The proposed single-family dwelling will lessen the negative environmental impacts on Cobbetts Pond. This is because in addition to adhering to all erosion control, site construction, buffer, and other requirements, the applicant's proposed dwelling reduces the amount of impervious surface by 30% of what exists currently. This will allow for an increased absorption of flow into the parcel and reduce drainage that flows into Cobbetts Pond.

The Board asked Mr. Zohdi to discuss and show them on the property map what portion of the property will be impervious. Mr. Zohdi showed the Board on the map where what portions of the property will be pervious and impervious. It was noted by the Board that this project was incorporating the intent of the Cobbett's Pond Watershed Protection Ordinance.

The Chairman noted that the Board received a letter from Ms. DiFruscia, attorney for the Cobbett's Pond Improvement Association, indicating they support this type of construction because it minimizes impact to Cobbetts Pond.

Motion by Mr. Breton to approve the Cobbetts Pond Watershed Protection Land Development application at 32 Turtlerock Road, for lot 21-K-46 as submitted. Second by Ms. Skinner. **Motion passed 6-0.**

Meeting Minutes Review

- **3/17/10** The Board decided to make additional corrections and will review the minutes again, with suggested edits at the May 5, 2010, Planning Board meeting.
- **3/31/10** Motion to approve Minutes as written by Nancy Prendergast. Second by Ms. Skinner. **Motion passed 6-0.**
- **4/07/10** - Motion to approve minutes as amended by Mr. Breton. Second by Mr. Wrenn. **Motion passed 4-0-2** . Ms. Prendergast and Ms. Skinner abstaining.

Community Planner's Report

Ms. Wood presented her Planner's report to the Board.

Miscellaneous

Workshop Summary Memo, REDC Visioning Workshop"

Ms. Wood noted for the Board the Workshop for the REDC Visioning Workshop and provided an overview of workshop and explained that the visioning session was intended to bring together people representing different entities in Southern New Hampshire in order to brainstorm as to what can be done in the region to increase economic development.

Adjournment

Meeting adjourned at 8:20PM by Mr. Breton. Second by Ms. Prendergast. **Motion passed 6-0.**

These minutes are submitted in draft by Tracey Mulder.