



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)

**Approved Planning Board Minutes  
Wednesday January 15, 2014**

**Board Members:**

Kristi St. Laurent, Chairman – Present	Ross McLeod, Selectman – Present
Margaret Crisler, Vice Chair – Present	Kathleen DiFruscia, Selectman Alternate - Excused
Pam Skinner, Member – Present	Vanessa Nysten, Member – Present
Jonathan Sycamore, Member – Arrived at 7:30	Alan Carpenter, Alternate – Excused
Sy Wrenn, Member – Present	Jim Fricchione, Alternate – Excused
Paul Gosselin, Alternate – Excused	Steve Bookless, Alternate – Arrived at 7:50pm

**Staff:**

Elizabeth Wood, Community Planner  
Laura Accaputo, Planning Board Minute Taker

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

Chair St. Laurent called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance, member attendance and a brief synopsis of the agenda.

**Public Hearing-Application**

Case#2013-36/Customary Home Occupation/Conditional Use Permit/Day Care A Home-Based Day Care Customary Home Occupation/Conditional Use Permit Application has been submitted for 55 Londonderry Road (Lot 5-A-199), located in the Rural District Zone. The applicant, Patricia Miller, is proposing to open a Family Day Care Home at her family's primary residence to provide services for a maximum of nine (9) children, three (3) of which would be part-time, after school care. The hours of operation would be from 7:00am to 6:00pm M-F. The proposed location for the Day Care is the 750 sq. ft. existing in-law apartment. No signage or changes to the exterior of the home are proposed. No employees will be hired.

Ms. Wood informed the Board the applicant requested a postponement until the April 30<sup>th</sup> meeting. She explained the Board would have to decide whether or not to re-notice the application for that meeting, given that the original notifications were done in November. She noted there has not been any public input to this point.

- Ms. Crisler noted the application requires a variance and would normally be denied without prejudice and required to resubmit after they get the variance.
- The Chair asked if the applicant would have to pay the fees again and Ms. Wood answered yes.
- Ms. Crisler stated although she sympathizes, they have to approve or deny within a certain time frame.
- Ms. Wood explained the application is for a home group daycare in a residence; this was previously approved however the request is to relocate it to an accessory apartment, which exceeds 25% of the homes square footage. The application was already submitted when it was determined a variance was required.
- Ms. Crisler stated the Board should be consistent.
- Mr. McLeod stated this is a simple and straightforward application.

**Mr. McLeod made a motion to grant the continuance for Case#2013-36/Customary Home Occupation/Conditional Use Permit/Day Care to April 30, 2014 at 7pm, seconded by Ms. Nysten. Motion passed: 5-1-0 with Ms. Crisler in opposition due to concerns with precedent.**

Ms. Wood asked for clarification if the Board wanted the applicant to re-notice the abutters. Mr. McLeod answered given the non-interest of abutters and the small scope of the application he was fine with a continuance not requiring re-notification. Ms. Wood said staff would check if there were any new abutters and if so notice them.

**Mr. McLeod motioned to not require re-notifications pending staff confirming there are no new abutters, seconded by Mr. Wrenn.**

Ms. Nysten asked if it would be noticed in the newspaper and Ms. Wood replied no but the ZBA notification will be.

**The Chair went back to the motion. Motion passed 6-0-0.**

### **Master Plan Implementation Status Update**

The Board reviewed a memo dated 1/15/14 to the Planning Board from Ms. Wood along with a spreadsheet dated 1/15/14 outlining goals that require Planning Board action. Ms. Wood explained there is one year remaining to implement goals from the 2005 Master Plan and the Board needs to decide what to work on during the year as well as formulating a new plan.

- Item #4, Water Study Village Center District, the Board discussed the area/location of the study; incentives offered for developers to develop oversized wells and septic for use by adjacent landowners, potential water sources such as the wells behind the Police Station and Pennichuck, and the goal of mapping the town aquifers. Ms. Nysten asked if the WEDC should be listed under interested parties.
- Item #6, Adopt a Spot, Village Center District, the Board discussed how the plan currently works and possible future expansion. They discussed safety concerns and the possibility of the Town hiring licensed and insured landscaping professionals to maintain the space.

Member Jonathan Sycamore was seated at 7:30pm.

- Item #7, Open Space and Recreation, the Board discussed the development and near completion of the Rail Trail and finalizing its connection with two adjacent towns. They also discussed efforts to work with adjacent towns when acquiring conservation land for contiguous lands.
- The Board discussed a new goal of mapping the town's aquifers and water sources.
- Item #10, Natural Resources, the Board discussed the possibility for soil mapping to be site specific and the concerns of it reducing lot sizes. They also discussed getting engineering assistance to understand the ramifications of any changes. They consider this a potential item for 2014 and would like Conservation Commission input.
- Item #12, Natural Resources, the Board discussed extending the Watershed Ordinance to include other ponds such as Mitchell Pond and Rock Pond and consulting with Conservation Commission and Pond Association for any updates to be made.
- Item #11, Natural Resources, the Board discussed groundwater monitoring wells and whether the intent was to test for flow or contamination as well as setup, monitoring, and enforcement issues. They will check the Master Plan to see what led to this item.
- Item #13, Natural Resources, the Board discussed periodic inspection and maintenance of sites within the Aquifer Protection District to ensure compliance with site plan permits and how this is monitored.
- Item #8, Impact Fees, the Board discussed adding recreation impact fees as additional recreational facilities and fields are needed as a result of growth.
- Ms. Wood summarized; Impact Fees, Soils, and extending the Watershed Ordinance are goals for 2014.

Mr. Bookless arrived at 7:50, was not seated.

- Ms. Nysten asked about the possibility of the WEDC or Energy Committee looking at bringing natural gas to Town. The Board agreed it was worth discussing.

### **Subdivision Regulations Workshop**

The Board reviewed a memo from Ms. Wood dated 1/8/14 regarding the Subdivision Regulations workshop led by herself and The Chair. The memo outlined the focus for the first workshop and the proposed amendments to various sections of the Subdivision Ordinance. The Chair explained the requirements in the Subdivision Regulations were unclear and one of the goals was to ensure that the Board was reviewing applications that were engineered, certified, and complete.

1. Design Review Application Phase: The Chair explained that while this phase is noted in the RSA's and Subdivision Regulations it hasn't been used. They are hoping to make this a functional part of the ordinance and ask the Board to consider making the Design Review Application a requirement for all "Major" subdivisions prior to final review. This would not be a requirement for applicants of "Minor" subdivisions. The suggested language changes to Section 403 of the Subdivision Ordinance were outlined in Ms. Wood's memo dated 1/8/14.
2. Definition of Minor Subdivision vs. Major Subdivision: Ms. Wood explained if the Board is amenable to the Design Review Application concept, it will be necessary to create a definition for "Major Subdivision" and for "Minor Subdivision". The suggested definitions are based on the State's definitions, with minor creating three or fewer lots and major creating four or more lots. A Minor Subdivision would be permitted to go through one final hearing and a Major Subdivision would require design review and final review, unless they get a waiver. The Board discussed lot line adjustment and decided to add it to the definition of Minor Subdivision.
3. Waiver Process: The Board discussed requiring the applicant to provide the rationale of why a waiver is being requested as well as the section number and text. The following is the language they decided on for Section 206: Request for waiver shall be submitted in writing as a separate document specifying the section number and the text of the section, the rationale justifying the request, and shall be part of the application submission.
4. Expedited Review of Minor Subdivisions: The Chair stated since Minor Applications are mostly heard in one night and still require notice this concept would be irrelevant.
5. WWPDP: Ms. Wood explained this is to consider whether to add boundary markers to the Subdivision Regulations and to correct an incorrect reference in Section 601.19.4(b) by changing 601.21.2(a) to 601.19.4(a). The Board discussed upfront cost and budget issues. Ms. Wood also explained from an enforcement angle the concern is this could get missed if it is in Zoning Regulations but not Subdivision Regulations. Ms. Crisler suggested this could be held over until after the election to see if the budget passes.

### **Meeting Minutes Review & Approve**

12/11/13

**Ms. Skinner motioned to approve the December 11, 2013 minutes as edited by Ms. Nysten, seconded by Mr. Wrenn. Motion passed: 5-0-2 with Ms. Crisler and Mr. McLeod abstaining.**

12/18/13

**Ms. Skinner motioned to approve the December 18, 2013 minutes as edited by Ms. Nysten, seconded by Mr. Wrenn. Motion passed: 6-0-1 with Ms. Crisler abstaining.**

12/30/13 – Moved to the January 22, 2014 meeting.

### **Liaison Reports**

- Board of Selectmen

➤ WEDC

Mr. Wrenn stated the WEDC is pursuing the water study and they will be contacting the Democratic Committee regarding Ballot Information Night; they are also looking for people to part of the Strategic Plan Subcommittee.

➤ Conservation Commission

➤ Southern NH Planning Commission

**Member Binder Update**-Article (Tab 16)

**Old/New Business** (Not to include discussion of pending applications or decisions on matters requiring public notice)

**Mr. McLeod motioned to adjourn the January 15, 2014 Planning Board Meeting at 9:20pm, seconded by Ms. Skinner. Motion passed: 7-0-0.**

These minutes are respectfully submitted by Laura Accaputo, Planning Board Minute Taker.