



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

3 North Lowell Road, Windham, New Hampshire 03087

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### Approved Planning Board Minutes Wednesday, November 19, 2014 Community Development Department

#### Board Members:

Kristi St. Laurent, Chairman - Present

Alan Carpenter, Vice Chair - Present

Paul Gosselin, Member - Present

Pam Skinner, Member - Present

Margaret Crisler, Member – Excused

Vanessa Nysten, Member – Present – Excused 9:41 pm

Bruce Breton, Selectman – Excused

Joel Desilets, Selectman Alternate – Excused

Steve Bookless, Alternate – Excused

Jim Fricchione, Alternate – Excused

David Oliver, Alternate – Excused

Kathleen DiFruscia, Alternate – Excused

#### Staff:

Dick Gregory, Code Enforcement Administrator

Elizabeth Wood, Community Planner

Kerry Lee Noel, Planning Board Minute Taker

Chair St. Laurent called the meeting to order at 7:03 pm, followed by the Pledge of Allegiance, member attendance and a brief synopsis of the agenda.

#### 2015 Town Meeting Public Hearings

#### Grammar

Ms. St. Laurent states that the grammar edits are:

Section 601.4.8.4.2, insure to ensure

Section 607.7.2.3, be to but

Section 607.8.2.3; remove the word “the”

Section 703. change principle to principal

Section 703.1, that to than

Section 720.7.8 should reference 720.6

Section 710.3.1 should read; Business Commercial A. and Business Commercial B

Section 906. sie should be “has”

Open to the public at 7:06 pm.

No public comment.

Motion by Mr. Carpenter to forward to the Town Warrant as presented

2<sup>nd</sup> Mr. Gosselin

Vote: 5-0-0

Motion carries.

**Customary Home Occupations (602.1.6.9)**

Ms. St. Laurent states that the Code Enforcement Officer has made the following recommendation to consider changes to the amendment; The Planning Board shall consider the recommendation of the Building Inspector as to the adequacy of the water supply, and sewage disposal system, and the Highway Agent as to the adequacy of the driveway entrances.

Open to the public at 7:09 pm.

Mr. Case states that customary home occupations include that they have a driveway, septic and water supply.

Ms. St Laurent states that additional parking, lighting, length of driveway, it would be up to the Highway Agent to decide if it were safe to digress.

Mr. Carpenter states that under certain circumstances the Highway Agent's input is beneficial.

Motion by Mr. Carpenter to forward to the Town Warrant as presented  
2<sup>nd</sup> Mr. Gosselin  
Vote: 5-0-0  
Motion carries.

**Excavation (707)**

Ms. St. Laurent states that the language reads; Unless otherwise exempted by the provisions of RSA 155-E:2 and RSA 155-E:2-a, no property owner shall permit the Excavation of Earth on his/her premises without first obtaining an Excavation Permit from the Windham Planning Board pursuant to the requirements of the Town of Windham's Excavation Regulations.

Mr. Carpenter inquires of Mr. Gregory of the State law exemptions.

Open to the Public at 7:14 pm.

No Public Comment

Motion by Mr. Carpenter to forward to the Town Warrant as presented  
2<sup>nd</sup> Mr. Gosselin  
Vote: 5-0-0  
Motion carries.

**WWPD & Vernal Pool Markings (601.4.8.4,716)**

Ms. Wood refers memos received from Attorney Campbell that are marked confidential, non-public.

Mr. Carpenter suggests having this go back to staff for review and updating.

Ms. St. Laurent states that section 601.4.8.4, as amended states that; where any application receiving Planning Board Approval contains property containing within the Wetland and Watershed Protection District (WWPD) boundaries on such parcel (or such lesser area as the Planning Board may specify) shall be marked in order to prevent encroachment.

Discussion occurs regarding the confidential memos and their release to the public, and the language with regard to various circumstances in the application of.

Public open at 7:32 pm.

Mr. Case the spacing of the markers and questions what are the markings on the markers themselves.

Discussion occurs regarding spacing and the markers.

Mr. Morris states that as a representative of the Conservation Commission requests that the Planning Board hold off until more information can be updated by the Planning Board. He also requests a copy of the memo from Attorney Campbell.

Mr. Carpenter is requests that the content of the memo regarding the factors involved be provided to the Conservation Commission. Adding that when the factors are added to the language that will be directed to ZBA to trigger the code enforcement officer and the planning department.

Ms. St. Laurent continues this topic until the 12/17/14 meeting.

Discussion occurs regarding language.

**Vernal Pool Protection (716)**

Mr. Carpenter states that the language would be the same for Vernal Pools.

Discussion continues regarding factors and language of the section.

Mr. Morris states that Conservation can meet the 1<sup>st</sup> week of December, Mr. Carpenter, and Mr. Gosselin will work with the Planning department and Conservation.

**Temporary Signs (706.7.9, 706.6.2.7.1, 706.2.7, 706.5.1.5, 706.6.2.9)**

Ms. St. Laurent states that there is an ordinance for the signs posted; this was passed by the voters. The suggested language from Attorney Campbell is; One (1) unlighted temporary sign advertising an event for any civic organization, non-profit group, religious, educational or similar entity may be placed on a parcel or tenant space, whichever is least restrictive. The sign shall be no larger than 3 square feet on any residential property and no larger than 24 square feet on any property lawfully used in a non-residential fashion. The sign may be erected no earlier than fourteen (14) days prior to the event, and shall be removed within seven (7) days of the conclusion of the event. Notwithstanding the provisions of 706.6.1, may be affixed to a tree, stakes or a fence, provided that it does not constitute a hazard to traffic or pedestrians.

Discussion occurs regarding the purpose of the signs and the term of usage and language.

Ms. St. Laurent continues referring to the new Section 706.6.2.7.1 the suggested addition of an annual permit sign that would automatically renew subject to conditions.

Public Comment opens at 8:17 pm.

Discussion continues regarding wording of language and sign types and the confidential memos.

Motion by Mr. Carpenter to move to warrant the language of 706.7.9 as written striking the addition of the word "Lawfully" on the 5<sup>th</sup> line.

2<sup>nd</sup> Mr. Gosselin

Vote: 5-0-0

Motion carries

Motion by Mr. Carpenter to move to warrant Section 7.6.2.7.1 as presented with the addition that reads, or if any written violation has been issued and not corrected will be subject to violation notice. Also, 706.6.2.7 as amended, to fix grammatical issue on the 3<sup>rd</sup> sentence. Add the 70.6.3 to address the adoption of new numbering sequence.

2<sup>nd</sup> Mr. Gosselin

Vote: 5-0-0

Motion passes.

#### **Agriculture Directional Signage 706.5.1.5**

Ms. St. Laurent reviews the section 706.5.1.5 and its replacement of 706.6.2.9. Agricultural off-site directional signage is allowed on town roads, and on state and federal roads as permitted and regulated by RSA 236:73 V-a, IV-g;236:71,72,74 by entities who have Site Plan approval by the Planning Board for agricultural use, Location of signs subject to review and approval by the Code Enforcement Officer. Permission of property owner must be received prior to sign installations.

Discussion occurs regarding purpose of revised section.

Ms. St. Laurent would like Federal removed if not referenced in the RSA.

V. Nysten remarks grandfathered use is not mentioned.

Public Hearing opens at 8:51 pm.

Ms. Dunn suggests stopping after the words RSA's.

Discussion occurs regarding small scale use. Questions regarding site plan approval requirements for agricultural purposes.

Mr. McLeod refers to the outdoor advertising section of the RSA's the discussion is a result of violations being issued.

Wendy Linquist a farm owner in Windham states that most farms are not located on Main Roads. Our farm has a minor site plan on the property. The State finds them in compliance but has been found in violation by the code enforcement officer. The location of signs are subject to approval by the code enforcement officer.

Ms. St. Laurent states that the section will allow signs on town roads.

Ms. Linquist inquires if the permit fee would be exempt, under the state they recommend agricultural farms be exempt.

Motion by Mr. Carpenter to approve 705.5.1.5 as amended, Section 706.6.2.9 as written a period added at the end of 74, with RSA: 69-89 to be subject to the Boards approval and to bring it back December 3<sup>rd</sup>.

2<sup>nd</sup> V. Nysten

Vote: 5-0-0

Motion carries

**Impervious Definition (609,616)**

Mr. Carpenter states that the definition in Section 200; Impervious Surface; Surface that is impenetrable by liquids, including, but not limited to, areas paved with conventional asphalt or concrete, gravel driveways and parking areas, sidewalks, patios, decks, and roofs which do no recharge water.

Mr. Carpenter states to remove that which does not recharge water. Place a period after roofs.

Discussion occurs regarding the pond ordinance and the removal of roofs.

Public comment opens 9:22 pm

Discussion occurs regarding usage, definitions and the state regulations.

Consensus to accept state definition and move to public hearing.

**Public Hearings:**

Case #2014-37/WWPD Special Permit/24 Stone Hedge/11 McIntosh Rd. (13-C-11, 12)

Mr. Carpenter reviews the permit request.

Mr. Gendren of Edward N. Herbert Associates states he is seeking an easement for utilities. Reviews the process for the conduit and return the property to its original state in approximately 3-4 days.

Mr. Gosselin inquires if you plan to document the easement.

Mr. Gendren states yes.

Mr. Carpenter inquires type of utilities.

Open to the Public

Motion by Mr. Gosselin to approve Case 2014-37 as presented with the easement to be recorded, with one WWPD marker to be installed near the beginning of the cul-de-sac.

2<sup>nd</sup> Mr. Carpenter

Vote: 4-0-0

Motion carries

**2015 Town Meeting Workshop**

Housing for Older Persons (Section 610)

Ms. St. Laurent reviews the changes highlighted on the original document.

Ms. Wood refers to the document being broken into two sections. The density piece still needs more research and input is still being collected.

Open to the Public a 9:55 pm

Mr. Doug Roberts of 15 Canterbury Road states he has reviewed the proposed ordinance and he is looking for something that is good for all. Abutters will be impacted and developers could construct a development that would be detrimental to the area. He proposes a framework approach and describes the tier and volume road ratios.

Mr. Carpenter responds that the Board has discretion to allow a developer to produce a development that is non detrimental to abutters.

Discussion occurs regarding the proposed conditions suggested matrixes and placement of developments. Set back limitations.

Mr. Dubay discusses the points of the discussion. Points out examples of communities where the difference of separation of the dwellings is smaller the buffer zones are larger.

Mr. Carpenter would rather see an ordinance that would allow the variations. Mr. Dubay and Mr. Roberts should work with the board to review the information again. A member of the board, Ms. Chrislar, Mr. Carpenter or Ms. St. Laurent.

#### **Minutes**

- September 10, 2014

Motion by Mr. Carpenter to approve the minutes of September 10, 2014  
2<sup>nd</sup> Ms. Skinner  
Vote: 4-0-0  
Motion carries

- October 29, 2014

Motion by Mr. Gosselin to approve the minutes of October 29, 2014  
2<sup>nd</sup> by Ms. Skinner  
Vote: 4-0-0  
Motion carries

- November 5, 2014

Motion by Mr. Gosselin to approve the minutes of November 5, 2014 as amended with excused as opposed to absent.  
2<sup>nd</sup> by Ms. Skinner.  
Vote: 2-0-2 (Ms. Skinner, Mr. Carpenter)  
Motion carries

#### **Old / New Business**

Adjournment 10:26 pm

Draft minutes respectively submitted by,  
Kerry Lee Noel  
Planning Board Minute Taker

Commented [KLN1]:

