



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Planning Board Approved Minutes Wednesday, July 2, 2014 7pm

Board Members:

Kristi St. Laurent, Chairman – Present
Alan Carpenter, Vice Chair – Present
Paul Gosselin, Member – Present
Pam Skinner, Member – Excused
Margaret Crisler, Member – Excused
Vanessa Nysten, Member – Excused

Bruce Breton, Selectman – Present
Joel Desilets, Selectman Alternate – Present
Steve Bookless, Alternate – Present
Jim Fricchione, Alternate – Present
David Oliver, Alternate – Excused
Kathleen DiFruscia, Alternate – Present

Staff:

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

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.

The Chair sat Mr. Fricchione for Ms. Crisler, Mr. Bookless for Ms. Nysten, and Ms. DiFruscia for Ms. Skinner.

Public Hearings

Case#2014-15/WWPD Special Permit/40 Mitchell Pond Rd (3-A-609)

A Wetland and Watershed Protection District Special Protection District (WWPD) Special Permit has been submitted for 40 Mitchell Pond Road (3-A-609) located in the Residence District A Zone and Wetland and Watershed Protection District Zone. The Applicant, Tory Bianchi of Custom Pools, Inc., on behalf of the property owners Sean and Dianne Sweeney, is proposing to construct an in-ground swimming pool and surrounding patio entirely within the WWPD. The disturbance to the WWPD would be approximately 1,500 sq. ft. The applicant is proposing to use silt fencing and/or hay bales and install landscaping for erosion control.

Ms. Wood explained this Case has been continued three times, most recently to allow the applicant time to provide a mitigation plan for WWPD impact. This plan still has not been provided. Ms. Wood has contacted both the applicant and property owner multiple times by phone and email and hasn't heard back. The measurements on the Plot Plan and the existing grading sheet do not measure up and the plan is not engineered.

The Chair stated the application is still incomplete despite numerous continuations. Ms. DiFruscia asked if the property owners were aware that staff was trying to reach their agent in regards to this case and Ms. Wood replied she did convey this to them.

Ms. DiFruscia motioned to deny the application for Case #2014-15 due to the number of continuances and since both the home owners and their agent have failed to respond to numerous communications from the Community Planner and are not present for the meeting, seconded by Mr. Gosselin. Motion passed: 7-0.

CIP

-Workshop on Rules of Procedure

- Ms. Wood explained at prior meetings the Planning Board discussed the possibility of appointing alternate citizen members to the Capital Improvements Committee. Section 10.6 of the Planning Boards Rules of Procedure states a citizen alternate may be appointed but it is not clear as to whether the appointment is to cover a long term absence or absence per meeting.
- The Board discussed clarifying the language for the appointment of a citizen alternate including the intent and term for the appointment and how they would be seated.

Mr. Carpenter motioned to have Ms. Wood draft the language for the appointment of one alternate member for the General Public Member of the Capital Improvements Committee to cover the absence of any member, for a one year term.

- Mr. Breton stated there was a legal opinion from 2006 that states you can serve as a member of the general public on the Capital Improvements Committee even if you are serving on another Board or Committee and are not automatically disqualified. The Board agreed to review with Attorney Campbell how a disqualifying event is defined.

Mr. Carpenter withdrew his motion.

Mr. Gosselin motioned to appoint an alternate member for the General Public Member Position of the Capital Improvements Subcommittee to serve as needed meeting to meeting, when seated by the Chair of the CIP, as well as to fill a vacancy caused by a disqualifying event, for one year, seconded by Mr. Breton. Motion passed: 7-0.

Ms. Wood and the Chair will draft language to bring forward for Public Hearing to satisfy the motion that was approved.

-Capital Expenditure Level

- Mr. Gustafson, Chair of CIP, asked the Boards rationale on setting the threshold at \$75,000. He stated the risk of having it set too high is you may preclude certain requests from coming before the CIP and there is a concern for smaller committees and boards. If it is set too low there will be more requests coming before the CIP.
- Mr. Breton stated the Board of Selectmen and David Sullivan, Town Administrator, support the Planning Boards recommendation of a \$75,000 threshold. There is an operational plan that will include lower items and the CIP should be reserved for large dollar items. The Chair read a memo from David Sullivan stating the Board of Selectmen support this threshold. Mr. Desilets stated he abstained from the vote but noted there were only 3 to 4 items between \$40,000 and \$75,000.
- Roger Hohenberger, CIP Member, stated a threshold of \$50,000 seems to work and asked what the fear is of going to the public and asking them how to spend their money. He also stated the CIP works by ranking and competing for dollars.
- The Chair stated the operational plan is an outlet for small departments and committees to obtain things that wouldn't meet this threshold without swamping their budget.

- Mr. Carpenter stated the CIP is meant for a once in a 10 or 20 year purchase not for budgetary purchases and the public can weigh in since the Board of Selectmen can put something on a warrant article.
- Mr. Breton stated the way its being used currently has left no capital reserves for future larger capital items, such as building an addition to a school, without causing the tax rate to spike.
- Mr. Desilets stated the question before the board that has not been answered is what the rationale was behind changing the dollar amount and Mr. Carpenter stated it is an annual event.

Mr. Carpenter motioned to open the CIP threshold dollar amount for reconsideration, seconded by Mr. Gosselin. Motion passed: 6-1-0 with Mr. Breton in opposition stating all of the members that voted on this were not present.

- Mr. Carpenter read a memo from Planning Board Member Vanessa Nysten into the record stating she is in favor of a \$50,000 minimum threshold for CIP as this would better allow smaller departments to bring items forward, allow more items to be brought forward for consideration, discussion, and prioritization over the short and long term, and provide more transparency to the voters.
- Ms. DiFruscia stated her concern that sometimes smaller items do require public scrutiny and may not be scrutinized if they are in the budget.
- Mr. Fricchione stated the Board of Selectmen has the purview to make smaller controversial items public by putting them on the town warrant.
- Mr. Gosselin stated capital improvement is your big ticket items and should be focused on long term capital investment.
- Mr. Desilets stated whether something is capital or not has to do with the length of time the item will remain in service and not the cost.
- Mr. Bookless stated you use a capital expenditure for a depreciation schedule as opposed to something you will utilize in one year and the purpose of the CIP is to build into the towns finances a way to plan for larger items so the tax rate doesn't have wild swings.
- Mr. Fricchione asked if there was a clearly defined definition or mission of the CIP and Mr. Gustafson stated in the CIP FY 2014-2021 Plan a capital improvement is defined as a major expenditure (usually non-recurring) for public facilities beyond the scope of normal operating expenses including land acquisition for public purpose, new buildings or additions, vehicles and other machinery with a useful life of greater than 5 years, major building or facility renovations with a useful life of greater than 10 years, road renovations resulting in long term improvement of road capacity or conditions, special studies such as assessments or a master plan, and studies or architectural plans for the above capital improvements.

Mr. Carpenter motioned to lower the CIP threshold to \$50,000, seconded by Ms. DiFruscia. Motion Failed: 2-5-0, with Mr. Breton, Mr. Gosselin, Chair St. Laurent, Mr. Bookless, and Mr. Fricchione in opposition.

-CIP Project Requests

- Ms. Wood reminded the Board that the deadline to submit CIP project requests is July 23rd and the Chair asked her to put a notation on the July 9th agenda.

Financial Releases

Mr. Carpenter motioned that the Board release to Weston Estates Subdivision a partial release of their letter of credit in the amount of \$217,746.50, which will be reduced from the original letter of credit of

\$408,988.00 leaving a balance of \$191,241.50, seconded by Mr. Gosselin. Motion passed: 4-0-3 with Mr. Breton, Mr. Bookless, and Mr. Fricchione abstaining.

Ms. DiFruscia motioned that the Board release to Cricket Ridge Subdivision a partial release of their letter of credit in the amount of \$63,956.50, seconded by Mr. Gosselin. Motion passed: 6-0-1 with Mr. Breton abstaining.

Minutes Review/Approve

-March 5, 2014

Mr. Carpenter motioned to approve the March 5, 2014 minutes, seconded by Mr. Gosselin. Motion passed: 4-0-3 with Ms. DiFruscia, Mr. Fricchione, and Mr. Bookless abstaining.

-May 14, 2014

Mr. Carpenter motioned to approve the May 14, 2014 minutes as amended by Ms. Nysten, seconded by Mr. Gosselin. Motion passed: 4-0-3 with Ms. DiFruscia, Mr. Fricchione, and Mr. Bookless abstaining.

-June 4, 2014

Mr. Carpenter motioned to approve the June 4, 2014 minutes, seconded by Mr. Breton. Motion passed: 4-0-3 with Ms. DiFruscia, Mr. Fricchione, and Mr. Bookless abstaining.

-June 11, 2014

Mr. Gosselin motioned to approve the June 11, 2014 minutes and bring them to the next meeting, seconded by Mr. Breton. Motion passed: 5-0-2 with Ms. DiFruscia and Mr. Fricchione abstaining.

-June 18, 2014

Mr. Breton motioned to approve the June 18, 2014 minutes as amended, seconded by Mr. Carpenter. Motion passed: 4-0-3 with Ms. DiFruscia, Mr. Fricchione, and Mr. Bookless abstaining.

Liaison Reports

➤ Board of Selectmen

Mr. Breton stated the Board of Selectmen supported the request for the CIP threshold amount of \$75,000.00.

➤ WEDC

Mr. Gosselin stated the WEDC are looking at zoning throughout town and Mr. Desilets stated at the next meeting the Land Use Subcommittee will be going on a field trip and all are welcome to attend.

➤ Conservation Commission

➤ HDC/HC

Mr. Desilets stated on June 25th the Historic Committee went for a tour of the Campbell Farm Homestead and it was well attended and excellent.

➤ Southern NH Planning Commission

Planner's Report

Member Binder Updates

-WWPD Flowchart

-Homebased Daycare Flow Chart

-Final Subdivision Application

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

- The Chair read a memo from David Sullivan stating the Board of Selectmen on June 30th voted to authorize Karl Dubay of the Dubay Group to act as an agent for the Town of Windham relative to the proposed plans for improvement to the Searles Facility. The Chair noted part of what will be worked on is paving and restructuring the parking lot and adding a walkway to the back and they have asked to be moved to an earlier agenda. The Board agreed to add it to the agenda for the July 16th meeting and start the meeting 30 minutes early.
- The Chair also reminded everyone that the deadline for the Master Plan Survey is July 3rd.

Mr. Carpenter motioned to adjourn the July 2, 2014 Planning Board Meeting at 9pm, seconded by Mr. Breton. Motion passed: 7-0.

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