



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Planning Board Approved Minutes Wednesday, August 20, 2014 7pm @ Community Development Department

Board Members:

Kristi St. Laurent, Chairman – Present

Alan Carpenter, Vice Chair – Present, excused at 9:10pm

Paul Gosselin, Member – Present

Pam Skinner, Member – Present

Margaret Crisler, Member – Excused

Vanessa Nysten, Member – Present

Bruce Breton, Selectman – Excused

Joel Desilets, Selectman Alternate – Present

Steve Bookless, Alternate – Excused

Jim Fricchione, Alternate – Excused

David Oliver, Alternate – Excused

Kathleen DiFruscia, Alternate – Excused

Staff:

Laura Scott, Community Development Director

Elizabeth Wood, Community Planner

Laura Accaputo, Planning Board Minute Taker, Excused

Chair St. Laurent called the meeting to order at 7:05 pm, followed by the Pledge of Allegiance, member attendance and a brief synopsis of the agenda.

2015 Master Plan Workshop

Discussion Topics with School Board:

- a. What from the previous Master Plan as not been accomplished that you think should be included in this Master Plan?
- b. What new ideas, initiative, concerns, etc. that were not in the previous Master Plan that should be included in this Master Plan?

- Dr. Rekart stated the largest issue the School Board is dealing with is the facilities issue and both the School Board and the Facilities Committee agree that we are two grades down from what is required. The projected enrollments from NESDEC show a fluctuation of 1-2 % which means they are looking at the same numbers for at least another decade and therefore this is not something that can be waited out. Mr. Carpenter stated that challenge is recognized by the community according to the results of the Master Plan Survey.
- Superintendent Feneberg noted that there are 10-12 classrooms per grade and therefore being short two grades is sizable. He stated enrollment has picked up dramatically in every school for the upcoming year and the trend is not reversing anytime soon. The Facilities Committee is weighing the pros and cons of six options for pre-school through 8th grade while keeping mindful that certain options if chosen could have an impact on the other schools. He also stated the high school is filling up and placing four 3rd grade classrooms as well as pre-school up there has squeezed the high school and he is concerned it will impact the types of expanded and specialty classes that can be offered. Mr. Carpenter asked if the concern is for space verses staffing and Superintendent Feneberg stated they go hand in hand and explained they have staff operating off of carts and enrichment programs have been eliminated due to space issues. If these programs can be brought back they will need staffing for them.

- Mr. Gosselin asked if the proposed Charter School would help to mitigate some of the congestion and Dr. Rekart stated the people that proposed the Charter School have left this out of their decision making and although initially it was suggested to help ease overcrowding the group has backedpedaled from that in part because the model they are putting forth is not addressing where the bubbles are as they are taking evenly across grades 1-8. Also based upon district analysis of the financial impact of a local charter school you would have to consider that a rise in expenditures (tuition payment) between 1.6 and 3 million dollars would have to be offset and the most likely place to cutback would be a reduction in force of teachers causing class sizes to rise. He also noted there would not be financial factors with a state approved model as you would have new monies coming into the district to help offset and accommodate those children whose parents choose the charter.
- Mr. Desilets asked the projected enrollment and Dr. Rekart answered 160 for the first year with the maximum after 3 years at 360, 10% of which would be from out of district. He also noted national analysis has found a lot of children that would go to the charter are not previously from public schools. Superintendent Feneberg stated there would be a financial impact on the district regardless as residency in Windham is the characteristic and the School District would have to provide \$10200 per child from Windham to the Charter School and that number goes up each year. The Chair stated since this is an ongoing discussion at the School Board level to be fair to all sides she doesn't want this to be a one sided discussion. She summarized that multiple parties agree this is not being proposed to address overcrowding and therefore will not address the biggest challenge which is overcrowding. She stated the Vision Chapter also looks at where we've been, where we are, and where we want to go and there have been a lot of accolades for academics, clubs, music, robotics, athletics and DECA in terms of test scores, graduation rates, and going on to college and asked for a summary of big achievements and vision going forward. Dr. Rekart stated the achievements are curricular in nature and not brick and mortar. He stated not only is the School District the largest employer in town but they hold the largest capital assets and good debt. The Master Plan survey reflected the opinion that the current state of the Golden Brook and Middle School is poor and the Superintendent put in place a capital needs assessment to plan for what needs to be replaced in a phased manner which will move a long way towards addressing the concerns with these assets but right now they are playing catch up and they will be active participants in the CIP process.
- Mr. Carpenter stated the survey showed residents want a growth management ordinance to slow down residential growth as it impacts the school system and asked if the Planning Board should look to identify parcels to use for a new school to codify in the Master Plan and Mr. Feneberg stated past voting results show strongly that the Town does not want to operate a fifth school. Currently there are about 700 students in each school and to keep it to only four schools would require expansion that fits the Town's educational mission keeping the priority on pre-school to eighth grade. He stated making compromises to fit lower grades in the high school will have an effect on the high school. Dr. Rekart added we have excellent educators that are able to overcome structural issues because of what they do in the classroom. He also cautioned against trying to limit what property owners can do and asked how you can maintain the attractiveness while looking at slowing down new growth and Mr. Carpenter answered you can look at expanding the residential lot size or cap the number of co's issued each year. Mr. Gosselin noted under statute if you enact a Growth Management Ordinance part of the requirement is you need an end game such as an expansion plan and they would need to know the School Board's best option to add it to the ordinance. Dr. Rekart stated once they get to the point of deciding one of the six options to present to voters if some members of the Planning Board would walk them through the ins and outs of a moratorium and also agreed to take this up at the next School Board Meeting and provide input on their discussion to the Chair. Ms. Nysten asked staff to check with Attorney Campbell for the process and requirements for a Growth Management Ordinance. She also asked for

confirmation that the enrollment numbers in the draft copy of the Master Plan are accurate and Dr. Rekart confirmed they were.

- The Chair asked for one or two Vision Statement bullet points for where they see the Windham School District being in the future and Dr. Rekart stated infrastructural issues in grades 1-8 and finish the high school (no track, turf, lights). Mr. Feneberg stated to provide adequate educational spaces for the pre-school through grade 8 schools in town and that it is our expectation that these spaces match our goal of beyond average performance. He also explained he would include preschool and kindergarten as there has been a push for full day kindergarten and pre-school is required for children ages 3 and up with established educational needs. Dr. Rekart noted they do not have a full middle school curriculum and Ms. Nysten agreed they are falling behind surrounding towns due to a lack of enrichment programs.
- James Jensen asked what the projection numbers look like for the next few years and Mr. Feneberg replied they are flat + growth for the next 5 years and then slowly decreasing with the max being 2017-18 and 2018-19 and then a drop of -.3%.
- Mr. Desilets noted the results of the Master Plan Survey show 58% (+/- 5%) approval for a Growth Management Ordinance.
- The Chair stated once available they will send a draft for the School Board to double check and comment on.

Administrative Review: Deacon Place

- Ms. Scott explained the applicant Mr. Lochiato is asking to reduce the lighting on his site as he feels it will be overwhelmingly lit as it is such a dense development.
- Mr. Lochiato addressed the Board. He stated they are requesting to amend the site plan and reduce the fourteen 60W incandescent lamp posts to four 100W high pressure sodium lamps to reduce light pollution and be more respectful to the neighborhood. The proposed lamps are night sky friendly with shields on the back to deflect light away from the houses. He stated he is also asking to remove the Deacon Place Site Sign as the actual address is Wentworth Circle and it can be confusing to 911.

Questions/Comments from the Board

- Ms. Nysten asked for clarification of the size being proposed and Mr. Lochiato answered 8ft tall on a concrete base with cast metal.
- Mr. Gosselin asked why they didn't go with LED and Mr. Lochiato answered he wanted a better color match to the lights on the houses and the high pressure sodium are very energy efficient.
- Mr. Desilets stated LED's are now available in a softer light.
- Ms. Nysten asked if placing lights in each parking area would make more sense than the proposed locations and Mr. Lochiato explained he wanted to make sure the fire hydrant was illuminated and added another one on that side for symmetry and that each parking area would be adequately illuminated.
- The Chair asked if the lights would be on a timer or controlled by the residents and Mr. Lochiato answered they would be on a photo electric cell and would come on at dusk and shut off at dawn.

Mr. Gosselin made a motion to eliminate the Deacon Place Sign due to E911 concerns and allow the change in lighting as requested for four proposed 10ft high 100watt high pressure sodium light poles with back shielding and to provide accurate details on the cut sheet to staff, seconded by Ms. Skinner. Motion passed: 6-0.

Request for Extension of Conditional Approval-Case#2013-36/55 Londonderry (5-A-199)

- Ms. Wood explained the applicant has requested to extend the conditional approval for another 120 days as her current full time employment ends on September 1, 2014 and she will not start her daycare business until sometime after that.

Mr. Gosselin motioned to grant an extension of 120 days as requested, seconded by Ms. Skinner. Motion passed: 6-0.

8:00pm Public Hearings

Mr. Carpenter read Case #2014-27 into the record.

Case#2014-27/Kendall Pond Road/Minor Subdivision (1-C-625, 650)

A Minor Subdivision Application for a Lot Line Adjustment has been submitted for 102 & 106 Kendall Pond Road (1-C-625, 650) located in the Rural District and Wetland and Watershed Protection District (WWPD). The Applicant, William Gregsak of GEI Engineering, Inc. on behalf of Philip and Ann Marie Barber is proposing to adjust the lot line between the two properties for the purposes of meeting building area and setback requirements for a single-family residence with well and septic on existing vacant lot 1-C-625 without disturbance to the WWPD. Existing lot 1-C-650 contains a single family home and would be reduced from 6.2 acres (271,626 sq. ft.) to 5.9 acres (257,829 sq. ft.) and Lot 1-C-625 would be increased in size from 2.0 acres (87,200 sq. ft.) to 2.3 acres (100,997 sq. ft.) in size.

Mr. Carpenter motioned to accept and open for Public Hearing, seconded by Ms. Skinner. Motion passed: 6-0.

- Mr. William Gregsak of GEI Engineering addressed the Board. He stated they are asking for waivers related to soil studies and percolation test data as they are only requesting a lot line adjustment and are not proposing any new lots.

Questions/Comments from the Board

- Ms. Nysten asked what the frontage is on the larger lot and Mr. Gregsak answered the new frontage will be 255.04ft and the smaller lot frontage will be 329ft.

The Chair opened the hearing to the public at 8:20pm and hearing none the public portion was closed.

Mr. Carpenter motioned for Case #2014-27 to waive the requirements of Section 601.1, Section 601.2.1, Section 601.3.9, and Section 601.2.2, because one lot is existing with an existing home and the second lot is over 2 acres, there are no new lots being proposed, and the proposed adjustment will keep all development out of the WWPD, seconded by Mr. Gosselin. Motion passed: 6-0.

Mr. Carpenter motioned to approve the lot line adjustment as presented with the condition to mark the entire WWPD boundary every 50ft on both lots, seconded by Ms. Nysten. Motion passed: 6-0.

Mr. Carpenter read Case #2014-26 into the record.

Case#2014-26/Rocky Ridge Business Center/Minor Site Plan (13-D-65)

A Minor Site Plan Application has been submitted for 60 Rockingham Road (13-D-65), which is located in the Commercial A District and Wetland and Watershed Protection District (WWPD). The applicant, Edward Herbert Associates, on behalf of Rocky Ridge Business Center, is proposing to amend the 1996 approved Site Plan to expand the uses allowed to those included in the Commercial A Zoning District. No exterior site modifications are being proposed. Per Section 303.5 of the Site Plan Regulations, if the

application does not qualify as a Minor Site Plan then it will be deemed a Major Site Plan and the application will be heard as a Preliminary Major Site Plan Application.

Ms. Nysten disclosed her husband recently hired the applicant Edward Herbert Associates for an out of town property; she has no bias or financial interest in the project before the Board but wanted the Board and the public to be aware of it.

- Ms. Scott explained this is to amend the previous approval and expand the uses allowed to those included in the Commercial A Zoning District. No exterior site modifications are being proposed.
- Mr. Carpenter clarified that all they were asking was to use their existing building located in the Commercial A Zoning District for all of the current uses allowed in that district and Mr. Gendron of Edward Herbert Associates answered yes.

Mr. Gosselin motioned to open and accept as a Minor Site Plan, seconded by Ms. Skinner. Motion passed: 6-0.

Mr. Gosselin motioned for Case #2014-26, Rocky Ridge Business Center, per the July 24, 2014 letter to allow the uses listed as they fall under reasonable Commercial A, seconded by Mr. Carpenter.

Mr. Desilets asked if the plan from 18 years ago was provided to the Board and Ms. Scott stated it is the exact same plan in the packet only it lists the uses. He also asked what use they were asking for and Ms. Scott answered a restaurant. Mr. Carpenter asked Mr. Gosselin to amend the motion to allow all rights and privileges allowed under Commercial A. Mr. Gosselin agreed to amend the motion as follows:

Mr. Gosselin motioned for Case #2014-26, Rocky Ridge Business Center, to allow all rights and privileges allowed under Commercial A, seconded by Mr. Carpenter. Motion passed: 6-0.

Planning Board Rules of Procedure-Continued from 8/13/14

- The Chair explained the amended proposed language was read at the last meeting and therefore can be adopted by a majority vote of the Board. Ms. Nysten asked for clarification regarding Land Use Boards relative to the draft provided in the packet. The Board discussed their intention with the proposed language relative to this issue and agreed the third sentence in the last bullet should read "In the event such a member of the general public shall become, during the period of appointment, a Selectman, School Board, or Planning Board member their Citizen Member term will be terminated". The Chair stated since this was what was read into the record at the last meeting and this was only a staff error they can move forward with the vote.

Ms. Nysten motioned to adopt the Rules of Procedure as amended this evening and read into the record at the last meeting, seconded by Mr. Desilets. Motion passed: 5-0-1 with Mr. Carpenter abstaining.

Mr. Case asked what prompted these changes and the Chair explained it was to ensure adequate Citizen Member representation.

Town Owned Land Recommendations

- Ms. Scott explained the Board of Selectmen is seeking recommendations for what to do with vacant undesignated town properties. Ms. Scott noted she sent her recommendations to EDC as requested and at the request of Mr. Desilets and Ms. Nysten agreed to send it to the Planning Board as well. The Board made the following recommendations:

- Retain all parcels within 700ft of major bodies of water and offer or sell to said water associations; retain parcels abutting school property; retain the Pine Hill parcel (98); retain the London Bridge Road parcel (138); Frost Road (94).
- Ms. Nysten suggested this list be sent to the School Board for their recommendations and also recommended the parcels on Route 111 be considered for the Towns needs for fields, community center, etc. before being sold.
- Ms. Scott clarified major bodies of water as Canobie Lake, Cobbetts Pond, Moeckel Pond, Shadow Lake, Rock Pond, and Seavey Pond.

2015 Community Development Department Budget

- Ms. Scott stated before she can craft figures to include in the departments 2015 budget she needs feedback from the Board as to what they are interested in working on in the coming year. Ms. Scott listed four items the Board has expressed an interest in working on that would require financial resources beyond the normal budget: Soils Lot Sizing, Watershed Mapping, Aquifer Mapping, and Phase II of the Master Plan. The Board discussed each item and had the following recommendations:
 - Ms. Scott should obtain quotes on converting to soil mapping standards consistent with those used by the State.
 - The Board agreed changing the lot size requirements contained in Appendix A-1 should be looked at after the soils mapping has been changed.
 - Mr. Desilets recommended Ms. Scott apply to get on the State's list for Watershed mapping for Mitchell Pond, Seavey Pond, Shadow Lake, Rock Pond, and Moeckel Pond and get their base data to compare with the data they have for Cobbetts Pond and Canobie Lake.
 - The Board agreed to stay with the States map of aquifers since the map they have is most current and it would be an exorbitant cost to update it.
 - The Board agreed that Ms. Scott should budget for 12 bound color copies of the Master Plan for each Planning Board Member and they would complete the entire Master Plan in 2015. They agreed the Schools Chapter should include extensive information as it was the top concern cited in the Master Plan survey. They also agreed they should have subcommittees to help develop the individual chapters and the Planning Board would work solely with the consultant on the Future Land Use, Vision and Goals, and Implementation Chapters.

Ms. Skinner motioned to waive the by laws and accept new business after 10pm, seconded by Mr. Desilets. Motion passed: 5-0.

Financial Guarantees

-Villages of Windham

- Ms. Scott explained they have been holding a letter of credit in the amount of \$42,834 since 2004 and the developer has asked to have the letter of credit released and provide the Town the required financial guarantee in cash. Since there are three buildings remaining to be completed the cash financial guarantee required will be \$22,447.50 for landscaping and loam & seed.

Mr. Gosselin motioned to recommend to the Board of Selectmen to release the Letter of Credit for \$42,834 and hold a cash financial guarantee of \$22,447.50 for landscaping and loam & seed for the three buildings, seconded by Ms. Skinner. Motion passed: 4-0-1 with Mr. Desilets abstaining.

-Quarry Brook Outdoor Learning Center

- Ms. Scott explained this will be taken off the agenda.

Minutes Review/Approve

-July 30, 2014

Ms. Skinner motioned to approve the July 30, 2014 minutes as amended, seconded by Mr. Gosselin.

Motion passed: 5-0.

-August 6, 2014

Mr. Gosselin motioned to approve the August 6, 2014 minutes as written, seconded by Ms. Skinner.

Motion passed: 5-0.

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

- Ms. Scott asked the Board if they had any new questions for Attorney Campbell and Mr. Desilets stated he would like a legal opinion on impact fees on condos for schools. Ms. Scott explained this was based on an analysis provided by Mr. Hohenberger and Mr. Desilets stated he want to know the legality of that decision to exclude condos units from the Impact Fee methodology and the Board be provided with the old data used as justification. The Chair stated she would like to ask if the Board has been going into non-public appropriately when deliberating over Planning Board appointments and Ms. Scott stated she had that on her list along with the question about a Growth Management Ordinance; if an appeal to court on a conditionally approved plan stops the clock to meet conditions; and notifications for zoning amendments. Ms. Nysten asked if it would make sense to look at impact fees for roads, relative to service roads and Ms. Scott stated that would be more like a TIFF district and Ms. Nysten asked for Attorney Campbell's opinion on it and what was required. Mr. Desilets asked for an opinion on whether it would be justified to allocate an impact fee towards Spruce Pond Field and the definition of need pertaining to recreation impact fees and if we are precluded from having that as an impact fee moving forward since its been codified publicly.
- Mr. Desilets reminded the Board and public to attend the first tour of the Windham Town Forest on Saturday August 23rd at 9am given by the Windham Garden Club and Maddie Reese who will be earning her Gold Star Girl Scout Award.
- The Chair informed the Board she will be on the agenda for an upcoming Board of Selectmen Meeting regarding some mischaracterizations of the last Planning Board Meeting. Mr. Desilets stated the Board of Selectmen Chair removed this from the agenda and she should be receiving an email notification and Chair St. Laurent stated she would refer to the Board of Selectmen Chair email and come back with her concerns at a later meeting.

Mr. Gosselin motioned to adjourn the August 20, 2014 Planning Board Meeting at 10:30pm, seconded by Ms. Skinner. Motion passed: 5-0.

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

UPCOMING MEETINGS:

September 3rd

September 10th

September 17th