



OLD VALUES - NEW HORIZONS
PLANNING AND DEVELOPMENT

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Planning Board Minutes
August 5, 2009

Roll Call:

Phil LoChiatto, Chairman - Present	Rick Okerman, Vice Chairman – Present
Nancy Prendergast, Secretary – Present	Walter Kolodziej, Member – Present
Ruth-Ellen Post, Member – Excused	Pam Skinner, Member – Excused
Louis Hersch, Alternate – Excused	Sy Wrenn, Alternate – Excused
Kristi St. Laurent, Alternate – Seated for Ms. Post at 7:10pm	
Bruce Breton, Selectman Member –Present	Ross McLeod, Selectman Alt – Excused

Staff:

Laura Scott, Town Planner – Present
Tracey Mulder, Admin Asst. – Excused

Mr. LoChiatto opened the meeting at 7pm, followed by the Pledge of Allegiance.

RPC Candidate(s) Interview

A letter of interest from Peter Griffin, the current Windham representative to the Rockingham Planning Commission, was reviewed prior meeting by Planning Board and Staff. Mr. Griffin introduced himself and stated his interest in continuing to serve as Windham's RPC representative, as well as informing the Board and the public of his service on the RPC, and other town service over the years.

Motion by Mr. Breton to recommend to the Board of Selectmen that they appoint Mr. Griffin to another three year term on the Rockingham Planning Commission as the Windham representative, in accordance with the Town's appointment policy. Motion seconded by Mr. Kolodziej. Discussion that the Board had previously made a similar recommendation. The Selectmen requested the standard procedure of appointment, that being advertising the position for appointment to solicit interested parties, conducting public interviews and then providing a recommendation. This has now been satisfied. Motion carried 5 – 0 – 0.

Ms. St. Laurent seated for Ms. Post

Safe Routes to School Presentation

NH DOT *Safe Routes to School* brochure made available to Board prior to meeting. Presentation by Wayne Morris. Program is 100% reimbursable program run by the State. Town to put up up-front money to do initial planning, develop a travel plan and engineer the plans, then State reimburses that first phase and funds the remaining

portion. This would be to complete the bike path to the Pelham town line. The initial phase of the project, the bike path from Center School to Golden Brook School was through a Transportation Enhancement Grant where Windham paid 20%, the grant paid 80%.

Mr. Morris admitted that the town is 'on the line' for the initial investment, to get that done, then apply to get the reimbursement and be granted the money for the construction. Mr. LoChiatto commented that the money could be significant given the cost of the first phase (1.6 million). Mr. Morris noted that this initial phase included drainage work, significant intersection work at Cobbet's Pond Road and Lowell Road and some work at the Range Road/Lowell Road intersection. He explained that the remaining section from Golden Brook to the Town Line is straight, level and with no major intersections, so the costs will be less.

Mr. LoChiatto asked Mr. Morris if the section from Golden Brook to the town line would give the town the best benefit for the effort and money, if there would be another direction that would give more benefit for the distance paved for a bike path. Mr. Morris replied that the Travel Plan would clarify that when examined in relation to the extension and help guide the decision process. He also noted that there are several side streets and subdivisions that would have direct access to this extension.

Mr. Okerman stated that he would volunteer to serve on the Safe Routes to School Committee as the Planning Board representative.

Lot Line Adjustment Public Hearing

Lot Line Adjustment Application has been submitted for Lots 25-C-175 and 25-C-200 on Moeckel Road, which is located in the Residence A Zoning District. The applicant, Meisner Brem Corp., on behalf of the Gertrude Linton Rev. Trust, is proposing to adjust the Lot 25-C-175 from 2.43 acres to 1.71 acres and Lot 25-C-200 0.82 to 1.54 acres.

The application has been noticed as Development of Regional Impact, per NH RSA 36:54-36:57, since the subject properties are located in both Windham and Pelham. The application has already been approved by the Pelham Planning Board on July 20, 2009.

Ms. Scott explained that the application has been reviewed by herself, the TRC and the Planning Board's soil consultant and that all items of concern have been addressed.

Motion by Mr. Kolodziej to open the Lot Line Adjustment for Lots 25-C175 and 25-C200 for Public Hearing. Motion seconded by Mr. Breton. Approved 6-0-0.

Kurt Meisner of Meisner Brem Corp. explained that the proposal is for a lot line adjustment between two lots just west of the dam at Moeckel Pond. Lot 25C-175 is

currently unoccupied but does have a building. The primary area of the buildable portions of the each lot is in Windham, with the street frontage in Pelham.

Mr. Bruce Moeckel clarified, as a lifelong resident of the area and nephew of the deceased, that the lots are considered to be Windham lots, the addresses are Windham and the tax bills from Pelham and Windham are sent to the Windham address.

Motion by Mr. Kolodziej to approve the Lot Line Adjustment Application for Lots 25-C175 and 25-C-200 on Moeckel Road, with a copy of the driveway easement between 25-C200 and 25-C250 to be provided to the Planning Department. Motion seconded by Mr. Breton. Motion passed 6-0-0.

2010 Town Meeting Zoning Amendment Discussion

Work Force Housing

Presentation by Ms. Prendergast & Ms. Bev Donovan. Reasonable and realistic opportunities for Work Force Housing are required in a majority, but not all, areas zoned for residential uses. Clarified that we could use Inclusionary Zoning. Ms. Prendergast reported that she, Ms. Donovan and Ms. Scott began collecting data as well as began to try to determine barriers to the development of Work Force Housing. Meeting together, and with local contractors and developers, they identified barriers, proposed solutions/options and provided this info to the Board for consideration. The next goal is to make formalized solutions and then to determine that they would be acceptable within and satisfy the law (Federal and State). Tonight's discussion is to prioritize the barriers and solutions, identify other areas for this group to investigate and to come up with draft language or request more information from further RSA's, etc. to be able to draft language for pertinent zoning changes.

Barriers –

- Density (lot sizing, buffers & set backs)
- Restrictions in excess of state/federal standards (ie: ADA, NFPA, Building codes, Well/septic radii - developers have to attend to multiple codes when planning which is time consuming and costly)
- WWPD setbacks
- Road designs requirements
- Building height restrictions
- Stringent drainage restrictions
- Landscaping requirements
- Amenities (trails, club houses, open space, etc)
- Fees (impact fees, building permit fees, application fees)
- Timing of tax re-assessments – can re-assessment hold-off until building is built, as opposed to increasing assessment as soon as application is approved?

Barriers were categorized into Zoning, Site Plan/Subdivision Regulations and Other.

Proposed solutions (all options – not proposing that all are good or feasible)

ZONING

- Modify accessory apartments definition to allow more flexibility
- Increase building height restriction
- Reduce setback/frontage requirements
- Allow soil-based lot sizing in accordance with state standards
- Update Elderly Housing Ordinance with workforce Housing mix – Elderly Housing zoning already accommodates increased density, smaller lots, and different road requirements.
- Develop Work Force Housing zoning to permit mixed-use with commercial/retail
- Develop conventional housing zoning with Work Force Housing mix
- Modify open space ordinance
- Allow Planning Board to grant Work Force Housing Conditional Use Permit (and not Variance or special Exception from ZBA)
- Reduce WWPB setbacks
- Allow Planning Board authority to waive Impact Fees w/applicant provided rationale
- Make all zones compliant, develop a separate Work Force Housing Zone, or develop Inclusionary Zoning/overlay district.

SITE PLAN/SUBDIVISION REGS

- Provide Work Force Housing design standards
- Allow landscape buffers of native and indigenous plantings
- Reduce road widths
- Modify road design standards
- Allow open drainage/LID (Low Impact Development) drainage
- Require limited and affordable amenities
- Reduce landscaping requirement
- Do not require granite curbing

OTHERS

- Allow cross easements for well and septic (Selectmen/Board of Health)
- Review timing of tax re-assessment with Tax Assessor
Reported that once a plan is approved that the assessment immediately goes up and increased taxes are paid, even before work is started – this is common everywhere, but can some relief be granted
- Bring Fire Chief and Building Inspector in to the discussion
- Consider joint Zoning Board of Adjustment, Planning Board, Historic District hearings (if needed) to reduce cost and time to applicants
- Continue to support and encourage participation in the Technical Review Committee, which seeks to streamline the application process to increase efficiency
- Support CDBG (Community Development Block Grants), Tax Credit, HUD, and NHHFA applications
- Waiver of fees – Planning Board can only waive Impact Fees, Selectmen need to waive permit fees, etc.

Discussion of Zoning Solutions:

Chairman LoChiatto suggested the easiest to address would be

- Modify accessory apartments definition for flexibility
- Reduce setback/frontage requirements could be done as a percentage, or some formula so each application would not have to be considered individually
- Soil based lot sizing
- Develop incentives for conventional housing with Work Force Housing mix – included in deeds, etc.
- Minimum lot sizing and open space ordinance allowances
- Allow the Board authority to waive Impact Fees w/applicant provided rationale

More difficult but doable:

- Allow Planning Board to grant Work Force Housing Conditional Use Permit (and not Variance or Special Exception from ZBA)
- Open space concessions
- Elderly Housing Mix w/Work Force Housing
- Conventional Housing Mix w/Work Force Housing

Most difficult to address would be:

- Building height would involve Fire Department and maybe an elevator required
- Work Force Housing mixed-use commercial because building height increase, and even mixed-use overlay, is a longer-term process
- WWPD setbacks reduction

Ms. Prendergast requested that the Board agree to a public information pamphlet and other forms of public info dissemination for the requirements for Work Force Housing pursuant to RSA 674:59. Board in agreement.

Public Comment:

Karl Dubay – Recommended that the Board investigate infill development requirements in other towns, this helps to alleviate concerns of existing development and protect the character of the town.

Small Wind Energy Systems

Neelima Gogumalla, representative of Go Green Windham, made a presentation to the Board about small wind systems. The NH Legislature passed legislation that allows for the establishment of homeowners to install small wind energy systems. The legislation, RSA 674:62-66, went into effect on July 11th, 2009. Go Green Windham is requesting that the Board consider the model ordinance drafted by the NH Office of Energy and Planning to be proposed for the 2010 Town Meeting.

Discussion of our current zoning for towers, which is limited to 35 feet in residential zones. A functional small wind system would require a tower height of approximately 100' with a total height, including blades, of ~ 150 feet. Set backs would have to

include a 'fall zone' so that if the tower fell it would not impact the owners home, or the property of abutters.

A review of the model ordinance by Ms. Scott and Mr. McGuire, Building Inspector, yielded minor suggestions about who would pay for notification of abutters as well as clarification of the 'fall zone' and related setbacks. Ms. Gogumalla reported that the visual impact section could open dispute between system owners and abutters.

Mr. LoChiatto suggested that the proposed ordinance is prohibitive just in its length, and asked if it could be shortened.

Mr. Dubay suggested that Go Green Windham rework some of the sections that leave open vulnerability to legal challenge – ie: page 1 that says to be in "appropriate" locations – appropriate locations could be argued legally.

After Mr. Dubay's points, and discussion by Board, it was requested that Go Green Windham and Ms. Scott try to streamline the proposed model ordinance, as well as look at what simple language would allow small wind energy systems (without variance) per the State RSA without an entire zoning ordinance section defining and delineating them. The Board requested clarification as to what vulnerabilities would be created in both scenarios and what would be in best interest of the Town.

Sign Ordinance

Ms. Scott explained that the Sign Ordinance (Section 706 of the Windham Zoning Ordinance) has led to discussion and confusion with business owners, the public and Town Staff, and has been identified by the Planning Board as an ordinance in need of revisiting.

Ms. Scott solicited revision and/or clarification suggestions from Mike McGuire, Building Inspector; Rick Hammer, Hammer & Sons Sign Company; and a handful of businesses in Windham – as well as providing suggestions herself. The Board was provided a copy of the ordinance with proposed revisions for consideration.

Discussion from Board concerning sign permits by Building Inspector and Code Enforcement Officer – this is so Building Inspector checks safety and construction standards, Code Enforcement Officer makes sure it satisfies the Zoning Ordinance and Site Plan Review requirements.

What about maintenance or repair – what if painting includes changing colors and copy – this would be a 'modification'. Board clarified to include 'the sign *copy* or structure is not modified in any way' in 702.6

Discussion about several definitions in 706.3 with suggestions for clarification

Discussion about 706.4 Zones: Sign Usage Allowed. Several zoning districts were listed separately but had the same requirements. Suggestions:

- Combine usages into Residence A, B, C and Rural into one section
- Combine Business, Commercial, Limited Industrial, Neighborhood Business and Professional, Business & Technology uses into one section
- Combine

Currently Village Center District has Historic District Commission review sign applications and give comment. Recommended by Board to remove HDC from sign review for Village Center District.

706.5.4 Sign illumination – Ms. Scott will work on the wording to limit illumination to 10pm, unless the business is open. Comment that after hours illumination is a form of advertising during non-business hours, and difficult to track or enforce when businesses have varying business hours.

Discussed Temporary sign sizes (706.5.78 and 706.5.89) with recommendation to combine these two and allow an increase size for subdivision or site sale or lease, as well as contractors performing work on site of single family homes.

706.5.112 change to Political signs are subject to State law. Mr. Hammer will work with Ms. Scott to add additional clarifying language for the public.

706.5.134 Change to permit temporary signs for multi-unit developments, and that each parcel can have 15 consecutive days, six times per year – to be handled by property manager. Section 5 – add *and product related*

706.5.18 Awning signs – suggestion that Site Plan Review process is extreme, consider revising to 'permit to be approved by Planning Board', as well as exception for street number on awning to be an exception. Discussion as to whether awning signs should be included in total sign square footage.

706.5.19 Open or decorative flags – suggested to revise to: 3' x 5' flag or smaller; US, New Hampshire flags exempt.

706.6 Sign Specifications by District Table

Discussion about signs on buildings. Currently restricted to 15' and below roof level. Suggestion that maybe an allowance could be made in certain zoning districts, subject to Board review and approval.

Ms. Scott explained the suggested increase in freestanding sign area in all districts, with recommendation from Mr. Hammer and in looking at past variances granted.

Discussion that PB has been trying to protect the 'view' in town, preventing proliferation of signs and signs too high, which in sum total can detract from visual impact of town.

Mr. Hammer noted that by keeping signs short, you move it closer to the ground which is impacted by piled snow in winter. Sight distances for lower signs are shorter, so drivers can't read sign quick enough to stop. It should be clear that Mr. Hammer recommended 16 feet to increase sight lines; however, Mr. Kolodziej strongly recommended that we keep the current sign height at 12 feet as in the ordinance.

Brief discussion of Residential Zone sign height with no suggestions made.

Chairman LoChiatto suggested that discussion should be continued at a later date. Ms. Scott will revise all proposed sign ordinance changes to encompass Board input.

Meeting Minutes – Review & Approve 7/22/09 Minutes

Mr. Kolodziej motioned to approve minutes of 7/22/09 as written, seconded by Mr. Breton. Motion passed 6-0-0.

Planning Board Consulting Engineering Proposals

Mr. LoChiatto explained that there was a committee established to review outside engineers for a consulting role consisting of himself, Mr. Breton, Jack McCartney (Road Agent) Dave Poulson (Stormwater Manager), and Ms. Scott. Seventeen firms submitted qualifications for consideration with 4 firms being interviewed. Mr. LoChiatto thanked all committee members for their time considering all firms, interviewing the four and attending meetings. Keach Nordstrum & Associates (KNA) was chosen – they have provided assistance and consulting in the past with good results, shown to be professional and consistent.

One year contract granted with option to renew up to three years.

Mr. Breton motioned to recommend that the Planning Board hire Keach Nordstrum & Associates as the Planning Board consulting engineer for plan review and field inspection. Seconded by Mr. Kolodziej. Passed 6-0-0.

Planners Report

Board discussed Planner's Report of July 31st. Copies provided to Board for review.

Ms. Scott was congratulated by Mr. LoChiatto for being selected as the Community Development Director.

Maps – continue to be updated. Template of zoning map overlaid with tax map to be accessible from website – copies to be available for Board.

Adjournment

Motion to adjourn by Mr. Kolodziej, seconded by Mr. Breton. Passed 6-0-0. Meeting adjourned at 10:45pm.

These minutes are respectfully submitted for approval by Kristi St. Laurent, Planning Board Alternate.