



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes
July 6, 2011

Roll Call:

Ruth-Ellen Post, Chairwoman – Present
Margaret Crisler, Vice-chair – Excused
Pam Skinner, Member – Excused
Kristi St. Laurent, Member – Present
Carolyn Webber, Member – Excused
Jonathan Sycamore, Member – Present

Ross McLeod, Selectman Member - Excused
Lee Maloney, Alternate – Excused
Sy Wrenn, Alternate – Present
Kathleen DiFruscia, Selectman Alternate – Excused
Vanessa Nysten, Alternate - Present
Rob Folan, Alternate - Excused

Staff:

Laura Scott, Director of Planning and Development - Present
Elizabeth Wood, Community Planner – Present
Mimi Kolodziej, Planning Assistant – Present

Call to Order/Attendance/Pledge of Allegiance:

Chairwoman Post called the meeting to order at 7:03 p.m. followed by roll call, attendance, and the Pledge of Allegiance.

Mr. Wrenn was seated for Ms. Webber. Ms. Nysten was seated for Vice-Chair Crisler.

Public Hearing: Case#2011-19/Customary Home Occupation/Conditional Use Permit:

A Customary Home Occupation Occupation/Conditional Use Permit has been submitted for 12 Sunridge Road (19-B-300), located in the Rural District. The applicant, Zsuzsa Belhazy-Kovacs, is proposing to conduct 2-5 yoga classes per week in her residence. The maximum amount of students attending a class at a time is 5. The applicant is not proposing to make any alterations to the structure of her home. A freestanding sign, sized 3 sq. ft. is being proposed to advertise the business.

Ms. St. Laurent read the hearing notice into the record.

Ms. Wood explained that the application was presented to TRC with the only outstanding need being a final fire inspection. The applicant's materials describe the applicant's intent, a diagram showing that less than 25% of the home will be used for this business, parking spaces for the residents and five (5) student cars, and a rough sign diagram which meets code. Ms. Wood said that staff had no concerns.

Mr. Sycamore asked that if the business received approval, is there a time limit on the approval if the business does not occur. Ms. Wood explained that the business approval stays with the property. If a resident changes the business in any way, they would need to come before the Planning Board for a new approval. Ms. Nysten asked about sub-division covenants. Ms. Wood explained that it is the responsibility of the neighborhood to enforce their covenants; the Town has

no jurisdiction. If the business is in anyway contrary to covenant rules, it would be up to the Association to step in and enforce them. Chairwoman Post said that it is considered a private agreement to be handled privately. Ms. Nysten asked about the size, height, and material of the sign. The applicant will address that when she speaks.

Mr. Wrenn made a motion to accept Case #2011-19 for public hearing. Mr. Sycamore seconded. The Motion passed: 5-0.

Ms Zsuzsu Belhazy-Kovacs addressed the Board and explained that she is looking to serve the local population with small, individual sized classes in a therapeutic yoga style. She has had experience with special education students and the arthritic population. She hopes to draw from the neighborhood and Windham population.

Ms. Nysten questioned Ms. Belhazy-Kovacs about her sign location, size, and materials. Ms. Belhazy-Kovacs' explained that her sign meets all the Town sign ordinances. She was unsure about her choice of materials, but they will be durable. Ms. Wood mentioned that the Town does not regulate sign material.

Ms. St. Laurent questioned her about parking and lighting on her drive-way. Ms. Belhazy-Kovacs has a long drive-way with lighting along the driveway. Ms. Nysten, who had driven by Ms. Belhazy-Kovacs' home, clarified that the clients would be parking on the paved driveway, not in front of the house.

Mr. Sycamore asked if the applicant wanted to limit herself to 5 yoga classes per week. Ms. Belhazy-Kovacs hopes to expand to more classes within a couple of years. Chairwoman Post asked what Ms. Belhazy-Kovacs saw as a maximum number of classes. She said it would be 10; the Board recommended approving her for a maximum of 10 classes. Ms. Nysten would like to see a more residential-styled sign-versus a plastic or metal sign; something that would not take away from the look of the neighborhood. Ms. Belhazy-Kovacs assured Ms. Nysten that she is also concerned about the appearance of her sign on her residence and will be sure to select a tasteful sign that will not take away from her property. Mr. Sycamore inquired whether the neighbors had been notified. They had. Mr. Wrenn asked about a rear entrance where the students will walk around the back of the house and enter. Chairwoman Post clarified that there would be a maximum of 6 students Ms. Belhazy-Kovacs said that the 6th student would always be her husband.

Mr. Wrenn made a motion to approve the Customary Home Occupation/Conditional Use permit for Case#2011-19 for a maximum of ten (10) classes/week and six (6) students/class. Mr. Sycamore seconded. Motion passed: 5-0.

Ms. Scott reminded Ms. Belhazy-Kovacs to get a sign permit prior to putting up her sign, and Ms. Wood will be sending her a notice of decision.

Meeting Minutes-Review and Approve:

May 18, 2011

Ms. St. Laurent motioned to accept the minutes of May 18, 2011, as amended. Seconded by Mr. Wrenn. Motion passed: 4-1. Mr. Sycamore opposed.

May 25, 2011 Minutes

Chairwoman Post clarified that it is the usual practice for minutes to be a summary; that verbatim statements are not expected. However, if a section is quoted verbatim, then quotes need to be used. She polled the Board about accepting the minutes as a summary; there was no disagreement.

Mr. Wrenn motioned to accept the minutes of May 25, 2011, as amended. Seconded by Ms. St. Laurent. Motion passed: 5-0.

June 1, 2011 Minutes

Ms. St. Laurent motioned to accept the minutes of June 1, 2011, as amended. Seconded by Mr. Sycamore. Motion passed: 4-0-1. Mr. Wrenn abstained.

June 15, 2011 Public Minutes

Ms. St. Laurent made a motion to accept the minutes of June 15, 2011, as amended. Ms. Nysten seconded. Motion passed 4-0-1. Mr. Wrenn abstained.

June 15, 2011 - Non-public Minutes

Ms. St. Laurent made a motion to accept the Non-public minutes of the June 15, 2011, as amended and to make them public. Mr. Sycamore seconded. Motion passed 4-0-1. Mr. Wrenn abstained.

Financial Guarantee Release – Windham Meadows II:

Project Name:	Windham Meadows Phase II	
Location:	Misty Meadows, Station 29+50 to 46+95 Brookfield Roads, Station 00+00 to 15+50	
Date of bond/guarantee:	June 12, 2006 Release of Existing Financial	
Amount & Items covered:	\$68,325 as follows:	
	1 st pavement	\$50,925.00
	Clean detention ponds	4,000.00
	Clean treatment swale	1,000.00
	Clean 5 Catch basins	400.00
	Grading/landscaping up to 4 units	12,000.00
	TOTAL	\$68,325.00

Engineer: Herbert Associates
Owner: Nickerson
Cash: \$68,325.00 paid by Eighty Mammoth Road, LLC

- Ms. Scott noted that inspection was recently conducted
- All work items had been completed satisfactorily except for the paving, which remains to be finished (topcoat) after construction trucks are done with remaining condo construction
- On June 22, 2011 the condo association was formally created with a slate of officers
- These roads and drainage structures are being conveyed to the condo association of the development and will then be maintained by the association; they will not be owned by or maintained by the Town.

- Ms. Scott disclosed that she is a resident of the condominium complex, but not at all active in the organization of the condo association
- The developer requests the return of the full amount of the guarantee (\$68,325.00)

Board questions/comments included:

- Was the condo association and its residents aware that road construction was covered by this financial guarantee and that the builder is requesting its release?
- Has the condo association agreed to take responsibility for finishing the roads? (Answer unknown)
- Would the condo association have access to these funds if needed for finishing the roads? (No)
- What was the price of the topcoat that remains to be done? (Ms. Scott indicated this would be just under \$51,000, per the 2006 financial guarantee.
- Several board members expressed concern about the roads not being completed if guaranteed amount is returned in full.
- Decision could wait until we have a full board in attendance.
- Discussion about extent to which the financial guarantee represents an agreement or contract between builder and town tht the work would be completed; concerns about possible liability of the town if funds are released and the work is not done. The Board asked what obligation the Town has to a private road once it is completed.
- Would the condo association be willing to release the town from responsibility for the uncompleted work? (Answer not known)
- Request that the condo association be contacted to be sure they are informed of this request and agree with the full release of the financial guarantee even though the roads are not finished with topcoat.
- Chairwoman Post noted that the Board has the option of releasing an amount covering the completed items only, which amounts to \$17,325.00, and retaining the rest.

Mr. Wrenn motioned to retain \$51,000 to cover the cost of the road completion, and to release the balance of \$17,325.00 with interest. Ms. St. Laurent seconded.

Motion passed: 5-0.

2005 Master Plan Benchmark Review

Ms. Wood thanked the Board for returning their master plan homework assignments on time. She clarified the meaning of the intent and explained the distinction between the two spreadsheets.

The Board discussed the various ways to prioritize the lengthy list of assignments. Chairwoman Post polled the Board wishes as to how they would like to approach the list.

Mr. Wrenn thinks that because the Board consists of five people, it may not be a good time to decide. He added that he thinks the Board, in general, bites off more than it can chew. He suggested grouping sections together so they can be addressed in context rather than isolation. The Board continued discussing the approach. Ms. Scott recommended eliminating topics that either have been completed or are being worked on already and addressing the six (6) tied items tonight.

Mr. Wrenn made a motion to remove item #s U-1.7, NROS-1.4, and NROS-2.9 and on the “...yet to be accomplished” list. Mr. Sycamore seconded. Motion passed: 5-0.

Mr. Wrenn made a motion to strike the two tied action steps, NROS-2.2 and NROS-2.11, on the “...accomplished but ongoing” spreadsheet. Seconded by Mr. Sycamore.

Ms. St. Laurent thought that that some of the measurement tools were very formulaic and objective, not subjective which is more difficult to assess. Ms. Nysten asked that a letter be sent to the Conservation Committee to let them know the Planning Board would support any effort on their part to secure grant money regarding open space acquisition and protection grants.

Motion passed: 5-0.

For the July 20, 2011, Planning Board meeting, Ms. Wood will group the objectives by topic for ease of prioritization. Chairwoman Post asked that after they be grouped by topic and then by the number of votes.

PB 2012-2019 CIP Project Request:

Ms. Scott asked the Board if they could foresee any Capital expenditure requests over \$50,000 over the next six years. They could not. Chairwoman Post signed the request form.

Review of 2012 Town Meeting Check-in Update:

Ms. Scott made the Board aware of the need to move forward on the Town Meeting items.

Mr. Sycamore has been working with Vice-chair Crisler on examples from other towns’ of Work Force Housing regulations and expects the two ongoing Town legal cases will provide some feedback.

Ms. Scott is working with Mr. Sinnott on elderly housing and will be seeking legal advice before they start writing. Also, she will be seeking advice from local developers who have done elderly housing.

Chairwoman Post is working on the final version of the zoning map which will be helpful with the multi-zoned parcels. The new zoning map will be available on the 20th and presented by Mr. Delong. The task of reviewing the multi-zoned parcels is complex and multi-tiered. Ms. Nysten will be joining Ms. Wood and Chairwoman Post in this task.

Mr. Corwin and Chairwoman Post will meet on the 24th to work on parking of recreational vehicles.

WEDC 1-year representative appointment:

Currently, the WEDC has 3 ex-officio members, one of which is from the Planning Board. Mr. Wrenn would like to continue for another year to bring continuity.

Mr. Sycamore made a motion to re-appoint Mr. Wrenn for another 1-year term on the WEDC. Ms. Nysten seconded. Motion passed: 4-0-1. Mr. Wrenn abstained.

Member Updates:

The various present members updated the Board on their Committees' on-goings.

Board of Selectman- Ms. DiFruscia and Mr. McLeod were not present.

Conservation Committee-Ms. Scott reported that the Town is still withholding payment from the consultant for the Cost of Community Services Final Study which he has not finalized. They are meeting with landowners approximately once a month about the potential purchase of conservation land. The department has a summer intern, David Sexton a UVM graduate, who has been working on creating a member binder like the one the Planning Board has. He drafted a re-write of the by-laws. He's attempting to pull together all the Conservation property files, so the Town has a comprehensive record of all Town conservation land with all the same consistent information. Before the end of the summer, he will attempt to complete a one-page fact sheet on the conservation land post it to the Town web site.

Wall Street Corridor Study-The commission made a presentation of a study to the BOS and received a 4-1 endorsement vote from the Selectman. This study was then presented to the DOT in Concord. Ms. Scott has pointed out that this is step one in a 12-step process to get this into the 10-year plan. No commitment from the DOT was given or expected. This comprehensive report should be expected shortly from the consultant. The committee ended at the end of June along with the final contract. Ms. Scott should receive a copy by the end of the month and will publish it throughout the Town and have hard copies available. There is no engineering involvement at this time; simply a design lay out on top of an aerial photo. The next step, in conjunction with DOT, would be a full-blown engineering environmental historic assessment of the corridor. Mr Wrenn explained that the effort is to preserve the corridor. The route 111 project would be provided by the state. Ms. Scott explained it is usually a 80/20 split plan. It is expected to be a 25-year plan, not a 10-year plan. Responding to Ms. Nysten, Ms. Scott explained that the Village Center will probably be affected.

Rockingham Planning Commission-Ms. Maloney was not present.

WEDC-Mr. Wrenn explained that the committee is trying to establish a focus through their strategic plan. They are taking the Town Survey, breaking it down, and refining it. They are attempting to interpret the data that was previously presented as raw data. He expects it to be completed by the end of the month. The committee would like to be an educational voice to the community. They now have a TRC representative.

CIP- Ms. St Laurent explained that they have had their first meeting and sent out letters that were in the Board packet. Questions about the funding limit were resurrected. This capital expenditure limit had been set by the Planning Board at \$50,000. Prior discussion to have the BOS submit requests of more than \$100,000 was had. The CIP Committee stayed at \$50K.

June Community Planner's Report: Ms. Wood has been writing articles for the local newspapers addressing issues that have generated questions from the public.

June Community Development Director's Report: Ms. Scott was interviewed by "Money Magazine" which was doing their annual survey of best communities to live in.

Old/New Business

Follow-up on a minor site plan approval for 49 Range Road was addressed. Mr. Mcquire, the building inspector, was to do a site plan review today, but was tied up with a Town fire. Ms. St. Laurent asked why site plan irregularities are going unnoticed. Ms. Laurent has noticed that the developer has added doors, sidewalks, grading which does not match the submitted plan, and maybe other changes. She is fearful of a precedent by developers doing whatever they want and coming back to say that it is now too expensive to change. Ms. Scott will look into it; she has a meeting with the developer tomorrow. Currently, there is no CO. Chairwoman Post would like an update on this issue next week.

Adjournment:

Mr. Wrenn made a motion to adjourn the meeting. Ms. St. Laurent seconded. Motion passed: 5-0.

The Meeting adjourned at 9:59 p.m.

These minutes are respectfully submitted for your approval by Mimi Kolodziej.