

**BOARD OF SELECTMEN**  
**Minutes of May 2, 2011**

**MEMBERS PRESENT:** Vice-Chairman Bruce Breton called the meeting to order at 7:05 PM. Selectmen Kathleen DiFruscia and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Phil Lochiatto was delayed and arrived at 7:15 PM. Chairman Ross McLeod was excused. Mr. Breton opened with the Pledge of Allegiance.

**ANNOUNCEMENTS:** Mr. Sullivan advised that the Windham Woman's Club would be celebrating their 100<sup>th</sup> Anniversary this year and, with no objection from the Board, he would be purchasing a ¼ page ad in their commemorative booklet. The Board had no objection.

*Mr. Sullivan* advised that he had received correspondence from Mayor Lozeau Nashua, advising that candidates are being sought for the Pennichuck Board of Directors. Particulars will be posted on the Town website.

*Community Development* Director Laura Scott made several announcements, as follows:

- The Department's business education seminars are going well, with the third of four having just taken place. She noted that the final event will be Networking 101 at the Searles Facility on May 26<sup>th</sup>. Those interested in attending should contact Ms. Scott.
- The May business sponsor for the Community Development Website has been selected as the Lobster Tail in Windham.
- Tomorrow the Chamber will hold their regional summit at Castleton, and the Community Development Department will be attending. Alex Ray, owner of the Common Man, will be one of the key speakers.
- Next Wednesday, May 11<sup>th</sup>, will be the public input meeting with "Project for Public Spaces" regarding the Village Center concepts. Meeting will take place from 6 PM to 8 PM at the Community Development Department.
- Bella Vino will hold a Mother's Day Wine Tasting event on Saturday, May 7<sup>th</sup> from 1 PM to 4 PM. Also, Breath of Sun will be holding an Open House this day.

*Mrs. DiFruscia* advised that, in response to a resident inquiry, she had spoken with Ms. Scott regarding the clear-cutting taking place between Shaw's and the Village Green. Mrs. DiFruscia noted that while the owner of Shaw's had pulled a permit to clear-cut the lot, permission from the Department of Transportation had not been obtained for the access created from the site onto Route 111. This matter has been reported to the state accordingly.

*Mr. Breton* advised that the previous week he had had occasion to meet with Executive Councilor Chris Sununu to discuss Windham's serving as the site for the next Council meeting. He advised that the location/date of the meeting will be posted once established.

**LIAISON REPORTS:** None.

**MINUTES:** None.

**CORRESPONDENCE:** Mr. Sullivan advised that a petition had been received and validated by the Town Clerk to propose the establishment of a "Moeckel Pond Village District". Mr. Sullivan noted that, per procedure, the Board of Selectmen will meet to establish the district boundaries, and then a Public Hearing involving those voters within the boundaries will be posted vote on establishing the District itself.

**COMMUNITY DEVELOPMENT DEPARTMENT FEES:** Mr. Sullivan read the public hearing notice into the record as follows: "In accordance with RSA 41:9A, the Board of Selectmen will hold a Public Hearing on May 2, 2011 at 7:00 PM at the Community Development Department for the purpose of amending/adopting the fees charged by the Community Development Department..." (see notice attached).

Ms. Scott then reviewed a comparison of surrounding Town's fees for major/minor site plans, and explained that the proposed fees would bring Windham more in line with area fees. Mrs. DiFruscia inquired why a reduction in the ZBA fees was being proposed, and Ms. Scott clarified that the fee was actually increasing with the addition of the \$25 newspaper notice fee. Currently, the \$60 fee includes \$10 for said notices. Mrs. DiFruscia inquired whether the proposed excavation fees were also in keeping with surrounding towns, and Ms. Scott indicated she had not compared those. She added that such applications/permit are very rare.

Mr. Lochiatto inquired where the proposed fee of \$0.25/sft had come from in comparison to other communities. Ms. Scott clarified that it was modeled on surrounding communities, particularly Derry, and that those others have additional fee structures relative to site plans which Windham does not. Mr. Lochiatto sought clarification that the proposed fee incorporates those other fees charged separately by neighboring communities and that, if a plan were to be subsequently deemed major as opposed to minor by the Planning Board that the applicant would be required to pay the difference, and Ms. Scott replied in the affirmative to both. Discussion ensued.

Mr. Tom Murray, 29 West Shore Road, approached noting that he did not support decreasing the ZBA fees; citing fees in the hundreds of dollars from cities/towns in our area.

Mr. Ralph Valentine, 18 Telo Road, approached to suggest that a footnote be added to the new excavation fees to avoid confusion with the Zoning ordinance. He then expressed concerns regarding the proposed Planning Board fees, and presented an analysis he had done of several recent projects comparing the current and proposed fee structures. Mr. Valentine pointed out that, in some cases, the proposed structure increased the fees 6-fold, and suggested a smaller increase be considered. Lengthy discussion ensued regarding the new versus old fees and impacts to developers.

Ms. Scott clarified that the Excavation Regulations are a separate ordinance, and there should be no confusion relative to the fees. She then noted that, if the Board felt that \$0.25/square foot was too high, the fee could be lowered to \$0.15/square foot which is what Derry charges and she would support that. Ms. Scott also spoke to Mr. Murray's concerns, noting that she had in the past attempted to substantially increase the ZBA fees and had met resistance from the ZBA members. Discussion ensued regarding those fees charged by other towns/cities, ZBA applicants, and waivers requested.

Mr. Lochiatto indicated he would support re-posting the public hearing notice for the ZBA fees at a proposed increase to \$100, however, he would like additional time to review the proposed Planning Board fees. Mr. Hohenberger moved to post the proposed Zoning Board of Adjustment fee changes:

	Existing	Proposed
Variance Application	\$60.00	\$100.00
Special Exception Application	\$60.00	\$100.00
Appeal of Administrative Decision Application	\$60.00	\$100.00
Equitable Waiver Application	\$60.00	\$100.00
Junkyard Certificate of Approval Application	NA	\$100.00
Newspaper Notification	NA	\$25.00

Discussion ensued, and there was no second. Mr. Hohenberger moved and Mr. Lochiatto seconded to continue this matter until next week. Passed 4-0.

**WINTER OPERATIONS POLICY:** Mr. Sullivan clarified that this policy as proposed does not speak to issues related to the winter maintenance of private/unaccepted roadways; rather that will be addressed in a separate policy which is currently under development. He noted that this policy codifies the current practices of the Highway and Maintenance Departments as it pertains to Town roads and facilities, and is required as part of the Town's Prime certification with Primex.

After a brief discussion, Mrs. DiFruscia moved and Mr. Hohenberger seconded to approve the Winter Operations Policy as written. Passed 4-0.

**OLD BUSINESS:** None.

**NEW BUSINESS:** Mr. Sullivan advised that the Board will not be meeting on May 16<sup>th</sup> or 30<sup>th</sup>, and suggested the Board may wish to look at holding workshop sessions every other week during the summer.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mrs. DiFruscia seconded to enter into non-public session in accordance with RSA 91-A:3 II c. Roll call vote all "yes". The topic of discussion was reputations, and the Board, Mr. Sullivan, and Ms. Devlin were in attendance.

Mr. Sullivan updated the Board on matters relative to tax deeding. No decisions were made.

Mr. Hohenberger moved and Mrs. DiFruscia seconded to adjourn. Passed unanimously.

The meeting was adjourned at 8:25 PM.

Respectfully submitted,  
Wendi Devlin, Administrative Assistant

*Note: These minutes are in draft form and have not been submitted to the Board for approval.*