



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Planning Board Approved Minutes Wednesday, August 6, 2014, 7pm

Board Members:

Kristi St. Laurent, Chairman – Present

Alan Carpenter, Vice Chair – Excused

Paul Gosselin, Member – Present

Pam Skinner, Member – Present

Margaret Crisler, Member – Present, excused at 8:55

Vanessa Nysten, Member – Present, excused at 8:55

Bruce Breton, Selectman – Excused

Joel Desilets, Selectman Alternate – Present

Steve Bookless, Alternate – Present, excused at 10:15

Jim Fricchione, Alternate – Excused

David Oliver, Alternate – Excused

Kathleen DiFruscia, Alternate – Present

Staff:

Laura Scott, Community Development Director

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 Ms. DiFruscia for Mr. Carpenter.

Annual Impact Fee Meeting

Review of Impact Fees: Analysis of what has been assessed, collected and expended to date

- Ms. Scott explained an annual review of Impact Fees is required per Section 715.6 of the Zoning Ordinance. She provided a memo dated August 1, 2014 outlining the fees currently in place and when they were put in place. The packet also included a summary included by the Town Administrator David Sullivan about the new policies and procedures in place to document approved plans and track assessed and collected impact fees and an analysis of how these policies and procedures have been working. Also included was an accounting of collected impact fees and how they have been expended by Dana Call, Finance Director as well as a spreadsheet by Mike McGuire, Building Inspector, showing how the calculations for the fees are done.
- David Sullivan, Town Administrator, explained an extensive analysis and review of all impact fees collected since 2004 revealed mistakes that were made resulting in over collected impact fees which had to be refunded. There has since been a series of internal controls implemented to aid staff in both assessment and collection of impact fees. A calculation sheet is used by Mr. McGuire which guides him in assessing an impact fee for commercial and residential properties. There is also a list of all subdivisions with their vesting rights and dates and the fees they should be paying so when a permit is requested the fee is assessed based on this list and the calculation sheet. Every quarter there is a review of what has been collected and how the procedures in place are working along with a check and balance. He then provided a summary of impact fees assessed for the first two quarters of this year. He stated he does believe the new procedures are working however he requested another staff member of the Community Development Department review the Building Inspectors calculation sheets as a secondary internal control within the department, this procedure

has been put in place as of August 1, 2014. He also discussed the running accounts receivable log of all impact fees to track both the amount assessed and eventually collected.

Questions/Comments from the Board

- Ms. Nysten clarified there were overcharges, undercharges, and correctly charged impact fees. She also asked if the new Zoning Officer has received any training relative to impact fees and Ms. Scott stated the Code Enforcement Officer does not assess impact fees for subdivisions or site plans since this is done by Ms. Wood or herself. Ms. Nysten stated she recalled a case the Code Enforcement Officer presented that required an impact fee and she believes the law states it is assessed at Planning Board approval and Ms. Scott stated it is assessed when the permit is issued and she will look into it further. She also noted that Mr. Gregory is familiar with impact fees.
- Mr. Sullivan stated he would like the Planning Board to be clear on the plans as to what the fee is being charged for in terms of use of space, as this triggers the calculations. Ms. Nysten stated staff encouraged the Planning Board to remove floor plans from the Site Plan Application requirements. She stated the floor plans show where the different uses are in the building and the actual square footage of the building and she has asked they be included again so they can be sure they are assessing the right amount.
- Mr. Gosselin asked for the rationale behind the variance of fees between police and fire and Ms. Scott explained the methodology for public safety impact fees explains the difference and that it mostly is based on the intensity of uses.
- Ms. DiFruscia stated she is glad the process is working and thanked everyone that worked on it.

School Impact Fees: Review current methodology and discuss if this should be amended

- Mr. Hohenberger stated he will begin working on updating the methodology for School Impact Fees. He stated all prior methodologies were relative to a project that was in place as it gave more credibility to the numbers and kept them on track. To change the approach he will need information on new subdivisions, number of children per house, construction costs per square ft and state standards on square footage per child to come up with an impact fee for new space required per child. He also noted this will be for elementary as the High School already has sufficient capacity to handle an additional 300 students.
- Ms. Crisler stated the Master Plan Survey replies overwhelmingly were complaints about the space issues in the schools and therefore there is urgency. She also stated condominiums and workforce housing must be looked at as they are attracting single parent families and Mr. Hohenberger agreed.
- Ms. DiFruscia asked if there is a Charter School how it would impact the methodology. Dr. Rekart stated there are no hard fast numbers due to variables such as projected enrollment shifts and the likely enrollment of children previously attending private schools. He also stated there are 6 options the Facilities Committee is vetting and they are not taking the Charter School into consideration in terms of their decision making since the individuals that have brought it forward are indicating it is not to solve capacity. Mr. Hohenberger stated the need for space is a good reason why changing the approach to square footage makes sense as you can't charge new houses for existing populations.
- Mr. Gosselin asked how they are addressing the significant difference in price of each option in generating an impact fee and Mr. Hohenberger said the biggest issue is how to compute the site costs that can be included in the impact fees since each option will introduce a different site cost differential. He stated he would be comfortable addressing this after the plan has been voted on by the public.
- Ms. Nysten asked when assessing figures for duplex vs. townhouse if each side is charged an impact fee and Ms. Scott stated they are assessed once but charged per unit. After some discussion Ms. Scott was directed to look into it further and report back to the Board.
- Mr. Charlie Wingate addressed the Board. He stated he is happy to hear we are recalculating our fees and changing the methodology and believes the square footage approach is excellent but site

fees should also be included. He believes this can be accomplished by either undercharging for the lowest option or overcharging for the highest option since if you have to return the money you aren't losing anything. He believes there could be a positive impact for tax payers in collecting for a more robust option while possibly slowing growth and allowing time to deal with the current problems. He also stated in absence of a school impact fee the Planning Board cannot vote on an impact fee according to town ordinance Section 715.2 since the purpose of an impact fee is to pay for future needs. He believes it is the Boards responsibility to stop issuing permits since if the Building Inspector cannot assess a fee he cannot issue a permit. The Chair disagreed and stated they can rely on the numbers they have until they get new numbers and the fee that is in place covers additional space and future needs. Ms. Crisler also noted this is not a public hearing to change the fee but merely a discussion on changing the methodology. Ms. Scott stated she will work with Mr. Hohenberger, the School Board, and the SAU to gather data and get new numbers for the Board before the end of the year.

Public Safety Impact Fees: Review current methodology and discuss if this should be amended, specifically looking at the July 8, 2013 Bruce Mayberry developed methodology

- Ms. Scott stated the Planning Board chose not to adopt the revised methodology developed by Bruce Mayberry last year. At the request of the Police and Fire Chiefs she is asking they revisit it and reconsider adopting since it is more consistent with their needs.
- Ms. Crisler asked if the impact fee is collected for future growth such as to build an addition on the fire station, could it be used for another capital purpose based on growth and Ms. Scott stated they are locked into spending only what it is collected for.
- Chief Lewis of the Police Department stated the issue is these funds are for brick and mortar and he has no significant need to add on to the building. His needs are for equipment, vehicles, and communications and since with the current methodology he is unable to use the fees for these items they will be returned.
- Mr. Gosselin asked if there is some correlation between additional houses, buildings, and businesses and the increase in the demand on the communication system using the impact fee methodology and Chief Lewis answered issues waiver and communications have a certain life expectancy regardless of use.
- Mr. Bookless asked if the new radio equipment purchased met either the new or prior CIP threshold and Chief Lewis answered it fell below it.
- Ms. Nysten stated one of the reasons why the Planning Board did not adopt the new methodology was one of the Planning Board members at that time said the Police Department wanted to expand the station and it wasn't included in the report. Chief Lewis stated the community rejected it and he is fine with taking it out.
- Chief Lewis asked the Board to find a way to change the methodology and allow flexibility to use these funds while working within the rules.
- Mr. Bookless stated you can't define a capital expense as just a building as there are other expenses that are depreciated over several years that can be classified as a capital expense and it sounds as though they need to change the definition of a capital expense. Ms. Scott stated the amount we are collecting is based on the scope in the existing methodology and you can't just change the definition because the amount collected is based on those definitions. It is on the agenda to potentially consider changing the methodology and the next step would be to schedule a workshop to talk about the methodology that was presented last year to see if meets the needs of the Chiefs and if so schedule a Public Hearing.
- Chief McPherson of the Fire Department stated they are limited under the current structure to brick and mortar such as adding on additional bedrooms or bays and that most of their expenditures such as vehicles or infrastructure within the building such as communication systems and exhaust systems do not qualify. He believes some of the comments and suggestions Mr. Mayberry had should be considered and he would be in favor of bringing it back to a workshop for discussion.

- Mr. Hohenberger stated he thinks the impact fees are tied to the CIP program and it may be required that impact fees include a new definition of capital items and the CIP should also be modified to include these items. Ms. Scott agreed this would be helpful but is not required.

The Chair took a poll of the Board asking if they agree to hold a workshop to discuss a new methodology for Public Safety Impact Fees. Ms. Nysten: yes; Ms. Crisler: yes; Ms. DiFruscia: yes; Ms. Skinner: yes; Mr. Gosselin: yes; Mr. Desilets: yes; Chair St. Laurent: yes.

Ms. Scott said she would contact Mr. Mayberry and the Chiefs to schedule the workshop.

Recreation Impact Fee: Discuss if a methodology for a new fee should be developed

- Ms. Scott stated they have discussed developing an impact fee for recreation and were waiting until the Recreation Master Plan was completed.
- Cheryl Haas stated the Recreation Committee discussed this previously and was not interested however since there are two new members she would be happy to revisit it.
- Ms. DiFruscia asked why they weren't interested and Ms. Haas stated they felt the money collected would be used for future projects and not what is currently being worked on.
- Ms. Crisler stated she thinks it would be foolish to not implement impact fees now and if they had been implemented when they did the schools they would not be having the problems they are now.
- Mr. Hohenberger stated he would look into it but the difficulty is there is a significant base of fields that pre-existed the need for any tax dollars and you can't put a cost on land that was donated by developers. He also noted it has to be for new population not existing and you have to consider the administrative costs which may be overwhelming.
- Ms. DiFruscia asked if in looking at future growth they would consider what percentage of the population does not have children and if their needs are being met as far as recreational facilities and consider those needs in the Recreation Master Plan.

Next Steps

- Mr. Hohenberger will work with the schools to look at the methodology for capital facilities.
- Ms. Scott will set up a workshop with Mr. Mayberry and the Chiefs to discuss Public Safety Impact Fee methodology.
- Ms. Scott will look into what other communities have Recreation Impact Fees and how they calculate them and what they are used for.
- Ms. Scott and Mr. McGuire will look into Public Safety Impact fees for duplexes and townhouses.
- Ms. Scott will look at other communities with charter schools and whether they have impact fees and how they are accounted for.

The Chair excused Ms. Nysten and Ms. Crisler at 8:55pm and called a 5 minute recess. The Chair called the meeting back to order at 9:00pm.

Administrative Review-Case#2014-19/Birch Hill Condo Association

The Chair explained the Administrative Review is based on one of the conditions of approval which required the applicant to conduct a water test on the detention pond water to test for salinity, with the result to be placed on file to establish a baseline. If the salt levels were not at an acceptable level the applicant must return to the Board.

- Mr. Plovier, Chief Engineer of Pennichuck addressed the Board. He stated the test results showed elevated levels of sodium and chloride when compared with natural waters. While it is inconclusive if the elevated levels are caused by water from the softener treatment process in the existing station, they are proposing to install a 10,000 gallon brine holding tank to eliminate this

as a potential source. The tank will receive all of the process water from the softeners and will be pumped off site periodically. The existing dry well will continue to receive process water from the other filters in the station which primarily remove naturally occurring iron and manganese from the water.

Questions/Comments from the Board

- Ms. DiFruscia asked if there are any other facilities that have water pumped off site and Mr. Plovier answered yes. Ms. DiFruscia asked if the water from the tank would be an increase from what currently exists and Mr. Plovier answered no, it is water that is currently being discharged which will now be captured instead and although there is less water going back into the ground the quality is significantly better.
- The Chair asked if there is a plan to recheck the salinity of the water to see if there is any benefit and Mr. Plovier stated without a long term monitoring program you wouldn't be able to draw any conclusions but he would be willing to recheck it.
- Mr. Gosselin stated the holding tank effectively negates their impact in the area.

Mr. Gosselin motioned to approve adding the tank to resolve the potential chloride mitigation, in accordance with the site plan as submitted, seconded by Mr. Desilets. Motion passed: 6-0.

8:30pm Public Hearings

Ms. DiFruscia read Case #2014-23 into the record.

Case#2014-23 Windham Meadows II Lighting Plan

A Minor Site Plan Application has been submitted for Brookview Road (19-A-802), located in the Residence District C Zone. The applicant, Alan Kirkman, on behalf of the Windham Meadows II Condo Association, is proposing to install six (6), 6' high, 60 watt post lanterns on Brookview Road between Mammoth Road and Misty Meadow Road, each to be set 4' from the edge of pavement.

The Chair asked if the application was complete and Ms. Wood answered yes.

Ms. DiFruscia motioned to open Case #2014-23 for Public Hearing, seconded by Ms. Skinner. Motion passed: 6-0.

- Robert Ashburn, 3 Misty Meadow Road addressed the Board. He stated he prepared the plan and distributed some pictures to help clarify the proposal. He also introduced Dick Hall, Condo Association Board of Directors. He explained the problem they are having is this section of Brookview Road is the main access for the residents of the 128 condo units to exit and enter the property. He noted it is a busy section of road with many pedestrians, bikes, and joggers and there are no sidewalks which creates a safety hazard. He stated the first 300ft of Brookview Road is in an existing right of way granted to New England Power with three sets of high transmission lines managed by National Grid. They are proposing to put in some post lanterns along the right of way. National Grid said there are four items they must comply with to obtain an assent agreement. They must put a wooden guard rail around the wooden post closest to the road (pole #75) and maintain enough space so they may perform maintenance when necessary; the lights cannot be more than 12ft high; there cannot be any post lanterns located directly underneath the wires; and any underground conduit must be capable of withstanding an H 20 wheel loading. Three of these items have been incorporated in the notes on the plan and the fourth item is covered in the guard rail detail. On July 3rd they

sent a copy of the plan to National Grid and they hope to receive the agreement soon. He also explained they will use 6 inch square granite posts for the lanterns and they will be 6ft above grade with a dressy cap on top. They chose a Hinkley lantern with 3 candelabra base bulbs using three 5 watt LED energy efficient bulbs. He stated the irregular spacing is caused by the wires and the 3 post lanterns on the north side of the street have an underground conduit in place and the 3 on the south side will need a conduit. He also noted the two abutters most impacted have no problem with the proposal.

Questions/Comments from the Board

- Mr. Bookless asked if the amount of light would be adequate for safety and Mr. Ashburn stated it is the equivalent of 120 watts of incandescent light and he believes it will be adequate while still enhancing the entrance to the property.
- Mr. Desilets stated the proper term for LED's is lumens not watts, the technology uses less energy and watts to put out a greater amount of lumens.

The Chair opened the hearing to the public at 9:30pm and hearing none the public portion was closed.

Ms. DiFruscia motioned to approve the Minor Site Plan proposal for Lot 19-A-802 conditioned upon the Planning Board receiving the assent agreement by National Grid, seconded by Ms. Skinner. Motion passed: 6-0.

Ms. DiFruscia read Case #2014-25 into the record.

Case 2014-25 54 Haverhill Road (11-A-150L1) Minor Site Plan Application

A Minor Site Plan Application has been submitted for 54 Haverhill Road (11-A-150L1), which is located in the Limited Industrial District and Wetland and Watershed Protection District (WWPD). The Applicant/Owner, WMSC Properties, LLC (Doug Desautels) is proposing to amend his August 21, 2013 Planning Board approved Site Plan, specifically requesting to not install a guardrail, propane tank, and 2 stonewalls, reconfiguring parking and associated drainage infrastructure, and removing trees within a wooded buffer. 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. Scott stated the application is complete and the Board needs to determine if it qualifies as a Minor Site Plan.

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

Ms. Scott explained the applicant has completed Item #4 of Mr. Keach's memo dated 7/22/14. She noted the aisle widths are not compliant with the Site Plan regulations and a waiver has not been requested or noticed.

- Karl Dubay, The Dubay Group, addressed the Board. He explained one of the changes made during excavation was the use of a stabilized slope as opposed to a vertical boulder wall as tree roots in this area were unstable. This change had to be made on site due to safety concerns. He noted they did not need these trees for their tree credit and the slope area is already growing in and being supplemented with additional seeding. He stated a change made to the left rear side of the parking lot was the elimination of the proposed boulder wall to support a large propane tank as the heating system was changed to an environmentally friendly recycling furnace system inside the building which re-uses the waste oil generated from the repair operations. This has been permitted by the fire department. They are still retaining the required four parking spaces and fire egress and walkways. The new drainage system was slightly rerouted to intercept additional flows and eliminates the predevelopment drainage

backups as intended. This change also reduced the amount of impervious surface. They saved two trees in the front left corner of the property and acknowledge that the area still needs some work such as replacing any dead plantings. He also explained the aisle width in one specific spot where it measures 6 inches less than the minimum required 24ft is due to a wayward placement of a single white gore line and all other aisle widths are significantly greater than the minimum required. The final change was the use of boulders along the edge of pavement in the state right of way as opposed to a timber guard rail; this was done to avoid creeping into the right of way.

Questions/Comments from the Board

- The Chair asked if the drainage line will extend to the vegetation area or if it stops at the edge of pavement and Mr. Dubay answered instead of going along the front of the building there is a catch basin that takes the flow and brings it to the ditch through a pipe that acts as an intercept drain. The new drainage is shown on the plan with a dash line.
- Ms. DiFruscia stated her concern is the large boulders are unattractive and asked if they are needed in the location and Mr. Dubay stated they would be amenable to making the space more attractive by adding more boulders.
- Mr. Desilets stated relative to Mr. Keachs note which states it may be best to remove the boulders, eliminate the rail, and back fill the area with compacted earth loam and seed if the concern was for the wetland and Mr. Dubay stated yes it would require additional permitting. He stated he had no problem taking the boulders out.
- Mr. Gosselin stated it is more likely to have someone drive into the ditch if there isn't anything there to demarcate it and he would leave it as is.
- The Chair asked if they would provide more annotation about the drain line on the record and Mr. Dubay agreed.

The Chair opened the hearing to the public at 10:12pm and hearing none the public portion was closed.

Mr. Gosselin motioned to waive Section 703.3.3 of the Site Plan Regulations because with the gore lines and minimal impact there is no impediment on drive through traffic, seconded by Mr. Bookless. Motion passed: 6-0.

Mr. Gosselin motioned to approve the Minor Site Plan application as signed on July 15, 2014 based upon agreeing that the replacement of the guard rail with the boulders is acceptable; the lack of a propane tank and the addition of two small propane tanks is acceptable; the perimeter intercept drain with crushed stone is acceptable; and with the addition of vegetation in the area where the wall slope was changed and the trees were removed; conditioned upon the changes to drainage and any other changes be provided on a final plan for the Chairs signature, seconded by Ms. DiFruscia. Motion passed: 6-0.

Mr. Bookless was excused at 10:15pm.

Minutes Review/Approve

-April 2, 2014-Reconsideration

Ms. Skinner motioned to open the April 2, 2014 minutes for reconsideration, seconded by Mr. Gosselin. Motion passed: 5-0.

Mr. Desilets motioned to approve the April 2, 2014 minutes as amended, seconded by Mr. Gosselin. Motion passed: 5-0.

-July 2, 2014

Ms. DiFruscia motioned to approve the July 2, 2014 minutes as amended, seconded by Mr. Gosselin. Motion passed: 4-0-1 with Ms. Skinner abstaining.

-July 9, 2014

Mr. Desilets motioned to approve the July 9, 2014 minutes as amended, seconded by Ms. DiFruscia. Motion passed: 5-0.

-July 16, 2014

Mr. Desilets motioned to approve the July 16, 2014 minutes as amended, seconded by Ms. Skinner. Motion passed: 5-0.

Planner's Report

Liaison Reports

➤ Board of Selectmen

➤ WEDC

- Mr. Gosselin noted they took a field trip recently to Lynnfield to identify attractive types of construction for a list of viable development options that may work in town. The Chair suggested they look at the Whalen town center. Ms. DiFruscia asked if EDC could provide documentation of towns where development has lowered taxes.

➤ Conservation Commission

➤ HDC/HC

➤ Southern NH Planning Commission

- Ms. Scott informed the Board the SNHPC regional Master Plan public comment period has begun and there is a link on the town website.

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

- Ms. Scott informed the Board that the Master Plan page on the town website has been updated and the visioning workshop and survey documents are posted.

Mr. Gosselin motioned to adjourn the August 6, 2014 Planning Board Meeting at 10:30pm, seconded by Ms. Skinner. Motion passed: 5-0.

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

UPCOMING MEETINGS:

August 13th (Master Plan Workshop)

August 20th

September 3rd