



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Planning Board Draft Minutes

Wednesday August 31, 2016

7:00pm @ Community Development Department

Chairman Paul Gosselin, present

Vice Chair Kristi St. Laurent, present (arrived at 7:11pm)

Margaret Crisler, present

Alan Carpenter, present

Dan Guttman, present

Ruth-Ellen Post, present

Kathleen DiFrusia, present

Matt Rounds (alternate), present

Gabe Toubia (alternate), excused

Ross McLeod, Board of Selectmen representative, excused

Jennifer Simmons, Board of Selectmen alternate- present

Staff:

Dick Gregory, Community Development Administrator

Anitra Brodeur, Minute Taker

The meeting was called to order at 7:00pm with the Pledge of Allegiance.

Town Meeting Workshop – Watershed Ordinance

Ms. DiFrusia stated, in full disclosure, that she was both a member and the legal counsel for CPIA (Cobbetts Pond Improvement Association). Ms. DiFrusia stated that the watershed ordinance excluded roofs under the coverage that was permitted in the ordinance. She then went out to suggest corrections to the current ordinance. This task was achieved with the help of both the CPIA and the Canobie Lake Protective Association.

Under 616.4 Definitions:

Best Management Practices will be amended to contain the most recent version of the New Hampshire Stormwater Manual, Volume I, Volume II, and Volume III, prepared by NH DES.

Non point Source Pollution: the definition would also contain, “Nonpoint source pollution generally results from land runoff, precipitation, atmospheric deposition, drainage, seepage or hydrologic modification. Nonpoint source (NPS) pollution, unlike pollution from industrial and sewage treatment plants, comes from many diffuse sources. NPS pollution is caused by rainfall or snowmelt moving over and through the ground, As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing then into lakes, rivers, wetlands, coastal waters and ground waters”

Point Pollution: will be a separate definition. Struck from this definition will be, “Non point pollution comes from multiple sources such as rain water run off.”

Tributary Stream: the definition will also contain the word “ephemeral” after “intermittent”, the definition will also have “or other conveyance of water whether manmade or natural” at the end of the original definition.

Vice Chair St. Laurent arrived at this time (7:11pm)

616.6.1.2-the section would contain a reference to the latest edition of the New Hampshire Stormwater Manual

Mr. Derek Munson Turtle Rock Road addressed the Board to discuss several language changes made to the ordinance.

616.6.4.2- The following language will be struck from the ordinance, “For the purpose of this section, “impervious surface” shall not include roofs where clean rainwater is transmitted to a recharge system meeting New Hampshire Department of Environmental Services requirements.” Chairman Gosselin allowed discussion among the Board as to whether or not this language was appropriate to exclude.

616.8.1- The Board discussed if it were necessary to include “ or other conveyance system” as it had been stated under “Tributary Stream”, The Board stated that it might be redundant. Some Board members asked if it might be too broad. The Board suggested adding the language “ephemeral” defined as a shallow stream after rainfall (add to Tributary definition so it covers all areas). After discussion, the changes in 616.8.1 would be deleted.

616.8.4.6.7- The change made here would not just be limited to road salts.

The Board discussed Section 616.8.4.6.9. The Board wanted to be sure there were no salt sheds within a buffer zone. The unintended consequences of homes close to the lake or pond in the buffer zone will typically not apply to a single residence. The Board would like to avoid language that would allow snow to be brought into the buffer zone from another site.

616.8.4.6.9- “either on-site” would be omitted so the language would read “snow plowed or collected off-site”

616.10.5- the section would contain a reference to the latest edition of Best Management Practices for the Handling of Compost, Fertilizer, and Manure in New Hampshire

616.10.6-the section would contain a reference to the latest edition of Manual of Best Management Practices for Agriculture in New Hampshire

616.11.2- the section would contain a reference to the latest edition of Best Management Practices for Erosion Controls on Timber Harvesting Operations in New Hampshire

Chairman Gosselin asked for Board comments at 7:40pm.

Chairman Gosselin opened up discussion to the public at 7:41pm. He thanked members of the public that worked on this ordinance with Ms. DiFrusia. He stated that the ordinance struck a balance between protecting ponds in town while protecting property rights.

Ms. Betty Dunn addressed the Board; she asked about the timing. She would like to be sure that the ordinance is properly so that it could be put before the Board as public hearing after November 14th.

A motion was made by Mr. Carpenter to submit The Cobbetts Pond and Canobie Lake Watershed Protection Ordinance as amended to be schedule for a public hearing on November 16, 2016 at 7 pm. Seconded by Mr. Guttman. Vote 7-0. Motion passes.

Master Plan RFP Discussion

Mr. Gregory stated he could find nothing in the files on this topic. Ms. Post and Chairman Gosselin agreed they would get together and work on this in the next several weeks. Mr. Carpenter asked if it would be possible to go to the Board of Selectmen, ask for approximately \$8,000, hire two interns and edit the chapters into a more cohesive Master Plan.

Ms. Post mentioned well water availability. She also mentioned she does not wish for the Master Plan to be the voice of the seven people on the Board; she would like it to have more input from residents if possible. Ms. Post distributed a map showing the projected drought levels across New England to articulate her concerns around water availability.

Mr. Guttman mentioned the town's limited GIS capabilities. The maps of the town are outdated.

Chairman Gosselin stated that the Planning Board would be asking the Board of Selectmen for a general RFP. He would like Board members and the public to email suggestions to Mr. Gregory or himself.

Ms. Crisler stated that the original conversation was about rounding out the current Master Plan, not generating a whole new plan. Hence, the original suggestion was for an RFP between \$5,000-\$10,000.

Discussions on Growth Management & Home Occupations

Home occupation has been brought up because the regulations were changed so that staff could make a decision rather than the Board when there is no impact or very little change in the impact. Some of the applications belong in front of the Board. However, if it has a negligible impact, it does not make sense to have that applicant come before the Board. The neighborhood would likely not be impacted by a low traffic home business.

The process an applicant follows is: TRC, post an escrow, and then come before the Planning Board.

Criteria could be set by the Board for this process. Chairman Gosselin would like to get the opinions of the Board. Mr. Carpenter and Mr. Rounds do not see an issue with the current ordinance as some home occupations can be a nuisance to a neighbor and the abutter should be able to come before the Board and voice their opinion. There are many home occupations that nobody knows about unless someone complains. Home Occupation is defined under Zoning (602.1.6). (In Definitions on pg. 6 "Customary Home Occupations"). Chairman Gosselin and Mr. Gregory will look at the definition and bring it back to the Board.

The Board considered if there is there a way to delineate between a simple case where administrative staff can take care of it and when it is necessary for the applicant to go through the process. Perhaps a major and a minor home occupation could occur. Board members are not comfortable delegating to staff what the Planning Board should be doing. An expedited Home Occupation may be another option. Home businesses that effect the public are plans that should go before the Board

Growth management- By law, the Board cannot have a growth management process without then having a mitigation process to soon deal with the growth management. The Board has had conversations but they have never come forward with a concrete proposal. The threshold that a community has to get past to regulate or limit growth can be a laborious process. A Temporary Moratorium on growth might also be employed in order to give the town time to study and gather the data necessary. The Board can also delve into the water availability justification for the Moratorium or growth management process, yet,

development cannot be restricted completely. A community must justify depriving someone the ability to develop their land. The growth management would require you to come up with a solution, which would likely be a community water system in this case.

Vice Chair St. Laurent mentioned Section 674.22 (growth management ordinance). The ordinance stated there may be unusual circumstances when the municipality cannot provide, yet, wells are not provided by the town, they are private, and the town is not providing the water.

Mr. Rounds asked the Board if road access were another avenue the Board might explore for a moratorium or growth management.

Chairman Gosselin asked:

Would the Board want to look at a moratorium knowing that it will likely lead to a growth management ordinance?

If the Board wants a moratorium, what members would volunteer to do the work to put the data together?

A legal opinion will need to be obtained prior to the study. It was asked if the moratorium would apply to: schools, water, roads, etc.

After discussion, the Board suggested changes in zoning before a moratorium or growth management. The Board will also consider if ground water can be a reason to slow development? A legal opinion is always helpful as well as a geological study, RSA 674. The Board will also review 23 and 24.

Growth management will be put on the Planning Board schedule for late September so that data can be obtained in the interim. Chairman Gosselin asked if staff would reach out to the schools to see if overcrowding in the schools can be a reason for a moratorium.

The Board would like to see a study of water availability regardless of what happens with the growth management. Certificate of Occupancies are not denied due to water because it must be proven that water can be provided to the property before a structure is put up.

The Board also suggested that staff could invite a member of the Southern New Hampshire Planning Commission to a Planning Board meeting to discuss growth management.

Discussions on Site Walks

Chairman Gosselin would like to schedule two site walks with the Planning Board. After discussion the London Bridge North and South site walks are scheduled for Saturday September 10th a 9 am as joint site walk with the Conservation Commission.

Review and Approval of the minutes of 8/10/2016 & 8/17/2016

A motion was made by Mr. Carpenter to approve the August 10th, 2016 meeting minutes as amended. Seconded by Ms. Crisler. Vote 5-0-2. Ms. Post and Ms. Simmons abstained. Motion passes.

A motion was made by Mr. Simmons to approve the August 17th meeting minutes as presented. Seconded by Vice Chair St. Laurent. Vote 5-0-2. Ms. Post and Mr. Guttman abstained. Motion passes.

Misc. Items

Mr. Carpenter asked for an update on potential new hires for the Community Development Department. Ms. Simmons stated that the Board of Selectmen has been interviewing for the open positions.

A motion was made by Mr. Guttman to adjourn at 9:00pm. Seconded by Mr. Carpenter. Vote 7-0. Motion passes.

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