

TOWN OF WINDHAM NEW HAMPSHIRE



Warrant and Budget 2010

This is the final Town Warrant for consideration at the Official Ballot Vote scheduled for Tuesday March 9, 2010; inclusive of any and all amendments made at the February 6, 2010 Deliberative Session.

TOWN WARRANT

THE STATE OF NEW HAMPSHIRE

To the Inhabitants of the Town of Windham in the County of Rockingham in said State, qualified to vote in Town Affairs:

You are hereby notified of the following annual Town Meeting schedule.

First Session of Annual Meeting (Deliberative)

You are hereby notified to meet at the Windham High School in said Windham on Saturday, the Sixth day of February, 2010 at 9:00 am. This session shall consist of explanation, discussion, and debate of warrant articles numbered 4 through 15. Warrant articles may be amended subject to the following limitations: (a) warrant articles whose wording is prescribed by law shall not be amended and (b) warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

Second Session of Annual Meeting (Official Ballot Voting)

You are hereby notified to meet again at the Windham High School in Windham, on Tuesday, March 9, 2010 between the hours of 7:00 a.m. and 8:00 pm to vote by official ballot on warrant articles numbered 1 through 15.

ARTICLE 1. To choose all necessary Town Officers for the year ensuing.

ARTICLE 2. To vote by ballot on the following amendments to the Windham Zoning Ordinance and Zoning District Map as proposed by the Planning Board.

Amendment #1: Amend Section 610 Housing for Older Persons by deleting the existing language “or to the resident’s spouse” from section 610.6.1.1(1).

Recommended by Planning Board (7-0)

Amendment #2: Amend Section 500 New Construction and New Uses by deleting the existing language in Section 503 and replacing it with “A change of use or expansion of any non-residential or multi-family building, land or structure shall require Site Plan approval.”

Recommended by Planning Board (7-0)

Amendment #3: Amend Section 706 Sign Regulations by deleting the existing language and replacing it with the following:

706. Sign Regulations:

706.1 Intent: This article is adopted for the regulation of signs within the Town of Windham in order to enhance the visual environment of the Town; provide for the safety, convenience and welfare of its residents; and support the local business community. Permitted signs are those that give information and directions; build the image of business and industry; and complement the character of the zoning district land use.

706.2 Construction--All Districts:

706.2.1 All signs (except for validly existing prior non-conforming signs) must conform to these regulations and the most recently adopted Building Code.

706.2.2 Sign Permits

706.2.2.1 It shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the Town of Windham, or cause the same to be done, without first obtaining a sign permit.

706.2.2.2 For those signs that have already received approval from the Planning Board through Site Plan Review, the permitting agency will be the Building Inspector and the Code Enforcement Officer.

706.2.2.3 The Planning Board reviews sign permits for: (1) all non-residential awnings and (2) if there are proposed changes to an existing sign in size and/or location.

706.2.2.4 No permit is required for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure which legally exists, so long as the sign copy or structure is not modified in any way.

706.3 Definitions:

Awning Sign: Any visual message (letters, words, logos) incorporated into an awning attached to a building. If the awning only contains a street address and no other letters or words it is not considered a sign.

Changeable Copy Sign: A sign on which the visual message may be manually changed. (Example: Reader boards). Electronic changeable copy signs are not allowed.

Clear Sight Triangle: The area defined in Section 702.2.

Complex: Either commercial or industrial structure(s) with two or more tenant spaces or divisions.

Directional Sign: A sign limited to providing directional or guide information on the most direct or simple route for on-site public safety and convenience. Directional signs may be located adjacent to driveways. Examples: "IN", "OUT", "ENTRANCE", "EXIT", and "PARKING".

Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Illuminated Sign: Any sign illuminated from the interior or exterior of the sign.

Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve inches beyond the surface of such building or wall.

Roof line: Shall be the lower border of a roof that overhangs the wall (the projecting edge of the roof).

Sign: As defined in Section 200 of this Ordinance.

Sign area: Shall be that contiguous image area of the sign that could be used to communicate visually the advertised message; support structures and embellishments used to enhance the visual look of the sign shall not be counted in the sign area calculations so long as they are no more than 15% of the total sign area.

Unit: shall consist of only one primary structure per lot with one and only one tenant space.

Wall Sign: Any sign attached parallel to, but within twelve inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign.

706.4 Zones: Sign Usage Allowed: Refer to Section 706.6 "Sign Specifications by District" table for maximum allowable number and dimensions of signs permitted in any zoning district. Other requirements, as applicable, are noted herein.

706.4.1 Residence "A", "B", "C" District & Rural District: A permanent sign shall be allowed to identify the name and address of the residential occupant; such sign shall not be internally illuminated and no Planning Board review or Town permits are required. Home Occupations may have one wall or freestanding sign, which is not internally illuminated.

706.4.2 Business Commercial A and B Districts, Gateway Commercial District, Limited Industrial District, Neighborhood Business District, & Professional, Business and Technology District: In these districts, one freestanding sign identifying the commercial complex or unit shall be allowed. If a common back plate is used for support, it shall not exceed one and one half times the area of said occupants' sign. A wall sign is permitted on the building or façade of each tenant space. Buildings fronting more than one right-of-way may not combine the permissible sign square footage for the purpose of placing one sign on one frontage.

706.4.3 Historic District and Village Center District: The intent of this section is to ensure the appropriateness of the placement, design, size, color, and execution of signs within the Historic and Village Center District so that they are visually compatible with the structures and environs.

706.4.3.1 Historic District: Any proposed sign, sign structure, or change to an existing sign (but not contents of normally changeable copy) is subject to approval by the Historic District Commission prior to the approval of the Sign by the Planning Board, where required through Site Plan Review, and the issuance of a sign permit by the Building Inspector & Code Enforcement Officer.

706.4.3.2 Historic District & Village Center District Signage Details: Dark backgrounds with light colored lettering are encouraged. Fluorescent or glowing colors are prohibited. Signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings, cornices, and the like. Signs on adjacent storefronts within the same development shall be coordinated in design, height, and proportion.

706.4.3.3 Historic District & Village Center District Illumination: In addition to lighting restrictions detailed elsewhere in the ordinance, no internally lit signs are permitted.

706.5 General Sign Regulations--All Districts:

706.5.1 No sign shall extend above the roof line of the building to which it is attached. Roof signs are not allowed.

706.5.2 Any traffic or directional sign owned or installed by a governmental agency shall be permitted and is exempt from these regulations.

706.5.3 Illumination shall be installed in a manner so as not to create an unsafe condition for vehicular traffic or become a nuisance to abutting property owners. No flashing, moving, scrolling, or animated signs shall be allowed. Signs may be illuminated until 10pm or the close of business, whichever is later.

706.5.4 The limitation as to the number of signs does not apply to traffic or directional signals or signs which are necessary for safety and direction, with approval from the Planning Board through Site Plan Review or the Building Inspector and Code Enforcement Officer where Site Plan Review is not required.

706.5.5 Street numbers may be included on the sign for identification purposes up to 12" in size and will not count towards the sign size.

706.5.6 At the boundary line of the Town of Windham, and within a Town right-of-way, a sign not exceeding five (5) square feet in area indicating the meeting of any Windham civic organization or directions to religious, educational, or other similar places may be erected only after the granting of a special permit by the Board of Selectmen.

706.5.7 No sign affixed to a transportation vehicle either independently propelled or towable which is parked on a location for the purpose of advertising shall be allowed except where allowed by other sections of this ordinance

706.5.8 No permanent sign shall be affixed to any object within the Town right-of-way except as provided in *Section 706.5.7*.

706.5.9 Political signs are subject to State Law.

706.5.10 All signs shall not interfere with the Clear Sight Triangle; shall not be positioned so as to obstruct or be a hazard to traffic on a road, or to traffic entering or leaving the premises; and shall not create dangerous conditions with respect to pedestrians or vehicular traffic. No signs shall be erected so as to obstruct any doors, windows, or fire escapes of a building.

706.5.11 In any district, one unlighted temporary sign (12 sqft for residential and 32sqft for commercial) offering premises for sale or lease for each property, tenant space or unit in one ownership or association shall be permitted, as well as allowing one unlighted 10 sqft sign identifying an architect, engineer or contractor while work is performed on the site. These signs do not require a permit, provided they are located on the subject property and are removed when the work is completed and/or the property is sold/leased.

706.5.12 Temporary signs tacked, nailed, posted, or otherwise attached to trees, stakes, fences, or other objects advertising matter not applicable to the premises where located shall not be permitted.

706.5.13 In Business Commercial A and B, Gateway Commercial, Limited Industrial, Neighborhood Business, Professional Business and Technology, and Village Center District; one unlighted on-premise temporary sign shall be allowed at a time on a parcel, provided:

1. The temporary sign shall comply with the area, height, and setback requirements for a freestanding sign for the district in which it is located;
2. The temporary sign shall be securely anchored at a stationary location; non-motorized and non-moving; and shall not be lit or illuminated in any way;
3. Such signs shall not be displayed for more than 15 consecutive days;

4. Each temporary sign shall require a temporary sign permit, issued by the Code Enforcement Administrator;
5. The nature of allowed temporary signs shall be event related or product related.

706.5.14 For all externally illuminated signs, down-lit illumination is encouraged unless good cause can be shown.

706.5.15 Existing non-conforming signs shall be removed or brought into compliance prior to granting of any site plan, subdivision approval, or change of use.

706.5.16 Electronic reader boards and electronic changeable copy signs are prohibited.

706.5.17 The number, size, and content of awning signs must be approved by the Planning Board through a sign permit application.

706.5.18 "Open" flags and decorative flags measuring 15sqft in size and attached to the building shall be allowed in all districts with no sign permit required. Only one flag is allowed per business. National, State, and US military flags are exempt.

706.6 - Sign Specifications By District

	<i>Res. A</i>	<i>Res. B</i>	<i>Res. C</i>	<i>Rural</i>	<i>Comm.</i>	<i>GTW</i>	<i>Lim. Ind.</i>	<i>PBT</i>	<i>NB</i>	<i>VCD HIST</i>
Minimum Setbacks (ft)										
front yard	10	10	10	10	10	5	10	10	10	5
side yard	30	30	30	50	50	10	50	50	50	5
Maximum Heights (ft) From Grade (Artificial grading of the landscape is not allowed for the purpose of enhancing the sign's height)										
freestanding sign	6	6	6	6	12	8	12	12	10	5
wall sign	Locations to be reviewed and approved by the Planning Board									
Maximum Sign Area (ft²)										
freestanding sign (structure)	3	3	3	3	60 ^C	20	20	20	20	8
freestanding sign (complex)	20 ^B	20 ^B	20 ^B	20 ^B	60 ^C	60	60	60	20	16
wall sign	3	3	3	3	100 ^D	75 ^D	75 ^D	75 ^D	50 ^D	16
Home Occupation	3	3	3	3	NP	NP	NP	NP	NP	NP
Changeable Copy (ft ²)	NP	NP	NP	NP	20 ^E	NP	NP	NP	NP	16 ^F
Legend:	NP	= Not permitted								

Footnotes:

B: Maximum per entry location; may be split between one sign on each side of the street with a 50% increase in the total for this situation.

C: Up to 33% of the base sign area may be added to this for changeable copy.

D: Up to that amount of the total square footage contained on the face of the building or tenant space, for whichever purpose the sign serves, or 10%, whichever is less.

E: Not to exceed 33% of the total sign area; applicable only to a freestanding sign, in addition to the maximum sign area.

F: Not to exceed 50% of the total sign area; applicable only to a freestanding sign.

Zoning District Abbreviations:

Res.A	= Residence A	Lim.Ind.	= Limited Industrial
Res.B	= Residence B	PBT	= Professional, Business and Technology
Res.C	= Residence C	NB	= Neighborhood Business
Rural	= Rural	VCD	= Village Center District
Comm.	= Commercial A, B, and C	Hist	= Historic District
GTW	= Gateway		

Recommended by Planning Board (7-0)

Amendment #4: Amend Appendix A-1 Minimum Lot Area by Soils Type to add the following language “The lot sizing standards for Workforce Housing developments, as defined in NH RSA 674:58, are those required by NH DES Regulations Env-Wq 1000. Site Specific Soil Survey Mapping, including certified soils testing data, certified topographic and wetlands plans, and detailed soil area plans and spreadsheets shall be utilized in the calculations.”

Recommended by Planning Board (7-0)

Amendment #5: Amend Section 900 Board of Adjustment by deleting the existing language in Section 904.1 and replacing it with “Appeals of any decision to issue a building permit shall be made within seven days of the issuance of same being posted at the Community Development Department and in a local newspaper.”

Recommended by Planning Board (6-0)

Amendment #6 Amend Section 715 Impact Fees by adding the following section and language:

715.8.3 A waiver of all impact fees will be granted for those residential units that are approved as Workforce Housing, as defined in NH RSA 674:58, and with a waiver request of such provided by the applicant at the time of application submission to the Planning Board.

Recommended by Planning Board (7-0)

Amendment #7 Amend Windham Zoning Ordinance to add the following new **Section 719 Small Wind Energy Systems**

719.1 Purpose:

This small wind energy systems ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate small wind energy systems in appropriate residential and non-residential locations, while protecting the public’s health, safety and welfare. In addition, this ordinance provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

719.2 Definitions:

Meteorological tower (met tower). Includes the tower, related structural systems, and testing equipment, used to study wind resource information at a given location. For the purpose of this ordinance, met towers shall refer only to those whose purpose is to study the feasibility of installing a small wind energy system.

Modification. Any change to the small wind energy system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.

Shadow flicker. The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

Small wind energy system (tower). A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption by the residential or non-residential primary use of the site.

System height. The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

Tower. The monopole, guyed monopole or lattice structure that supports a wind generator.

Tower height. The height above grade of the fixed portion of the tower, excluding the wind generator.

Wind generator. The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

719.3 Procedure for Review:

719.3.1 Non-Residential Use

719.3.1.1 Small wind energy systems and met towers are an accessory use permitted in all zoning districts where structures of any sort are allowed. A Minor Site Plan application is required.

719.3.1.2 Abutter and Regional Notification: In accordance with RSA 674:66, the Community Planner shall notify all abutters and the local governing body by certified mail

upon application for a minor site plan to construct a small wind energy system. The Community Planner shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the procedures set forth in RSA 36:57, IV shall be followed.

719.3.1.3 No small wind energy system shall be erected, constructed, or installed without first receiving a building permit from the building inspector. A building permit shall be required for any physical modification to an existing small wind energy system. Met towers that receive a building permit shall be permitted on a temporary basis not to exceed 2 years from the date the building permit was issued.

719.3.2 Residential Use

719.3.2.1 Building Permit: Small wind energy systems and met towers are an accessory use permitted in all zoning districts where structures of any sort are allowed. No small wind energy system shall be erected, constructed, or installed without first receiving a building permit from the building inspector. A building permit shall be required for any physical modification to an existing small wind energy system. Met towers that receive a building permit shall be permitted on a temporary basis not to exceed 2 years from the date the building permit was issued.

719.3.2.2 Abutter and Regional Notification: In accordance with RSA 674:66, the building inspector shall notify all abutters and the local governing body by certified mail upon application for a building permit to construct a small wind energy system. The public will be afforded 30 days to submit comments to the building inspector prior to the issuance of the building permit. The building inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the building inspector shall follow the procedures set forth in RSA 36:57, IV.

719.4 Standards:

719.4.1.Setbacks: The setback shall be measured from the center of the tower base to property line, public roads, or nearest point on the foundation of an occupied building.

719.4.2 Setbacks for a small wind generating system (tower) is:

719.4.2.1 No setback from occupied buildings on participating landowner property

719.4.2.2 1.5 times the tower height from occupied buildings on abutting properties

719.4.2.3 1.1 times the tower height from property lines of abutting property and utility lines

719.4.2.4 1.5 times the tower height from public ROW

719.4.2.5 Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.

719.4.2.6 Guy wires used to support the tower are exempt from the small wind energy system setback requirements.

719.4.3 The maximum small wind energy system height shall not exceed (tower) 150 feet as measured from the base of the structure on which it is mounted.

719.4.4 Sound Level: The small wind energy system shall not exceed 60 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

719.4.5 Shadow Flicker: Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker must be addressed either through siting or mitigation measures.

719.4.6 Signs: All signs are prohibited on the small wind energy system, except for manufacturer identification or appropriate warning signs.

719.4.7 Only 1 small wind energy system (tower) is permitted per lot.

719.4.8 Code Compliance: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.

719.4.9 Aviation: The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations and the New Hampshire Aviation regulations.

719.4.10 Visual Impacts: It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access wind resources.

719.4.10.1 The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. All electrical conduits shall be underground.

719.4.10.2 The color of the small wind energy system shall be a non-reflective, unobtrusive color that blends in with the surrounding environment.

719.4.10.3 A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration.

719.5 Abandonment:

719.5.1 At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the building inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

719.5.2 Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the building inspector. "Physically remove" shall include, but not be limited to:

719.5.2.1 Removal of the wind generator and tower and related above-grade structures.

719.5.2.2 Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

719.5.3 In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the building inspector may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. After review of the information provided by the owner, the building inspector shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the building inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

719.5.4 If the owner fails to respond to the Notice of Abandonment or if, after review by the building inspector, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the building inspector may pursue legal action to have the small wind energy system removed at the owner's expense.

719.6 Violation:

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt from this ordinance except when modifications are proposed to the small wind energy system.

719.7 Penalties:

Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by NH Revised Statutes Annotated Chapter 676:17.

Recommended by Planning Board (7-0)

Amendment #8 Amend Section 602.1.9 Accessory Apartments by deleting the existing language in Section 602.1.9 and replacing it with the following

602.1.9 Accessory Apartments

602.1.9.1 Purpose:

To increase housing alternatives while maintaining neighborhood aesthetics and quality.

602.1.9.2 Definitions:

Accessory Apartment: A dwelling unit, which contains all the amenities of a single family dwelling unit and that is either attached (by way of a common wall or floor), or contained wholly within the principle single family dwelling.

Property Owner: For purposes of this subsection, a property owner is one or more natural persons who have current possessory fee ownership in the land and buildings situated thereon which constitutes the lot and the primary and accessory dwelling.

Common Wall or Floor: The wall or floor that separates the living space of the primary dwelling unit from the living space of the accessory apartment.

602.1.9.3 Rules & Regulations:

602.1.9.3.1 Maximum of one (1) accessory apartment per property.

602.1.9.3.2 The property owner must occupy one of the two dwelling units.

602.1.9.3.3 The property and use must conform to all of the Town of Windham Zoning Ordinance and Land Use Regulations, other applicable land use regulations, and building, life safety and health codes.

602.1.9.3.4 The exterior entrances of the primary & accessory dwellings shall be designed such that they have the characteristics and appearances of a single family residence.

602.1.9.3.5 The accessory apartment may not exceed 950 square feet of occupied floor space.

602.1.9.3.6 The driveway shall be designed so as to appear as a driveway of a single family residence.

602.1.9.3.7 The septic and water systems shall meet NH DES and Town requirements for either the combined use of one system for both the primary and accessory dwelling units or the addition of systems for the accessory apartment.

602.1.9.3.8 A minimum of one dedicated off-street parking space shall be provided for the accessory apartment.

602.1.9.3.9 The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single family residence. In order to assure compliance with this requirement, the property owners at the time the accessory apartment is established shall be required to execute a restrictive covenant, easement or development restriction deed running in favor of the Town, which shall be recorded in the Rockingham County Registry of Deeds and a copy provided to the Community Development Department and the Assessor prior to the issuance of a Certificate of Occupancy.

602.1.9.3.10 An accessory apartment shall not be permitted on property where more than one dwelling unit currently exists.

Recommended by Planning Board (6-0)

Amendment #9 Amend Section 609 Aquifer Protection District by deleting the existing language in Section 609 and replacing it with the following

609. Aquifer Protection District:

609.1 Authority and Purpose: Pursuant to RSA 674:16 and 21, the Town of Windham adopts an Aquifer Protection District and accompanying regulations in order to protect, preserve, and maintain potential groundwater supplies and related groundwater recharge areas within known aquifers identified by the Town. The objectives of the aquifer protection district are:

--to protect the public health and general welfare of the citizens of Windham.

--to prevent development and land use practices that would contaminate or reduce the recharge to the identified aquifers.

--to assure the availability of public and private water supplies for future growth of the Town in accordance with the Master Plan

--to encourage uses that can appropriately and safely be located in the aquifer recharge areas.

609.2 Definitions:

Animal Feedlot: A agricultural establishment consisting of confined feeding areas and related structures used for the raising of livestock. An animal feedlot shall be considered one on which more than five (5) animals are raised simultaneously.

Aquifer: for the purpose of this Section, aquifer means an unconsolidated geologic formation, group of formations, or part of a formation that is capable of yielding quantities of groundwater usable for municipal or private water supplies.

Groundwater: All the water below the land surface in the zone of saturation or in rock fractures capable of yielding water to a well.

Groundwater Recharge: The infiltration of precipitation through surface soil materials into groundwater. Recharge may also occur from surface waters, including lakes, streams, and wetlands.

Leachable Wastes: Waste materials, including solid wastes, sludge and agricultural wastes that are capable of releasing contaminants to the surrounding environment. Including wastes from subsurface disposal systems

Mining of Land: The removal of geologic materials such as topsoil, sand and gravel, metallic ores, or bedrock to be crushed or used as building stone.

Non-Conforming Use: Any lawful use of buildings, structures, premises, land or parts thereof existing as of the effective date of this Section, or amendment thereto, and not in conformance with the provisions of this Section, shall be considered to be a non-conforming use.

Recharge Area: The land surface area from which groundwater recharge occurs.

Solid Waste: As-defined in NH RSA 149-M:4,XXII

Hazardous Waste: As defined in NH RSA 147-A:2,VII

609.3 District Boundaries:

609.3.1 Location: The extent of the Aquifer Protection District shall be shown on the Stratified Drift Aquifers Map developed by the Rockingham Planning Commission and dated 12/15/09. This map is to be used in conjunction with the tax map and/or other maps of the Town as an overlay district.

See Source Appendix A at the end of this Section which lists all technical data and studies used in mapping. Information from future groundwater studies and well drilling records may be added to the Stratified Drift Aquifers map and Source Appendix A as they become available.

609.3.2 Recharge Areas: The direct recharge area for the identified aquifer is considered to be co-terminus with that aquifer. The indirect recharge areas are those areas that contribute to groundwater recharge of the aquifers from outside the aquifer boundaries.

When development is proposed in indirect recharge areas which are tributary to the Aquifer Protection District, such as areas including a tributary stream, or on slopes adjacent to the Aquifer Protection District, the Planning Board may hire, at the developer's expense, a qualified hydrogeologist to assess the potential impact on groundwater quality and recharge rates of the aquifer from such development.

609.3.3 Appeals: Where the bounds of the identified aquifer or recharge area, as delineated, are in doubt or in dispute, any landowner aggrieved by such delineation may appeal the boundary location to the Planning Board. Upon receipt of such appeal, the Planning Board shall engage, at the landowner's

expense and request, a qualified groundwater consultant to conduct an investigation and prepare a report determining the proper location and extent of the aquifer and recharge area relative to the property in question. This report shall include but not be limited to:

609.3.3.1 A detailed topographic layout of the subdivision and/or area to be developed, prepared by a registered land surveyor.

609.3.3.2 A revised soils map of the subdivision and/or area prepared by a soils scientist qualified in hydrologic studies including a written report of his onsite field inspection and test boring data.

609.3.3.3 The aquifer boundary as shown on the Stratified Drift Aquifers Map dated 12/15/09 shall be overlaid on the plat and the newly proposed boundary location shall be indicated on the same plat by a broken line.

609.3.3.4 Any additional mapping, hydrogeologic reports or information which becomes available as a result of recent or on-going scientific investigation of the location and extent of aquifers, performed by the U.S. Geological Survey, NH State agencies or boards, or the Town of Windham or the agents of any of the above.

The Planning Board may, based upon the findings of Section 609.3.3.1 through Section 609.3.3.4 above, adjust the boundary or area designation of the Aquifer Protection District or reduce or expand the area so designated so as to more correctly define the location and extent of the aquifer on a site specific, case by case basis.

The Planning Board shall reserve the right to withhold action on such plat pending the results of an on-site and/or other investigation by that Board or its appointed.

609.4 Use Regulations: The Aquifer Protection District is a zoning overlay district which imposes additional requirements and restrictions to those of the underlying, base district zoning. In all cases, the more restrictive requirement(s) and permitted uses shall apply.

609.4.1 Prohibited Uses: The following uses are prohibited in the Aquifer Protection District:

609.4.1.1 Disposal of solid waste, as defined in NH RSA 149-M:4,XXII

609.4.1.2 Storage, processing, recycling, and disposal of hazardous waste, as defined in NH RSA 147-A:2, VII.

609.4.1.3 Disposal or storage of leachable wastes.

609.4.1.4 Subsurface storage of petroleum and refined petroleum products and chemicals

609.4.1.5 Industrial uses which discharge contact type process waters on-site. Non-contact cooling water discharge is permitted

609.4.1.6 Outdoor, open, and/or uncovered storage of road salt, salt/sand mixtures, and other chemical deicing materials.

609.4.1.7 Dumping of snow containing de-icing chemicals brought from outside the district.

609.4.1.8 Animal feedlots.

609.4.1.9 Automotive service and repair shops, junk and salvage yards.

609.4.1.10 Waste injection wells.

609.4.1.11 Excavating and mining of land except where incidental to a permitted use. Note that RSA 155-E expressly provides that sand and gravel excavations should be prohibited where such activities would substantially damage a known aquifer.

609.4.2 Recharge Requirements: Impervious surfaces within the Aquifer Protection District shall be no more than 50% of the total parcel area within the District. Paving requirements for underlying districts may be waived by the Planning Board upon request of the applicant.

609.4.2.1 A waiver may be granted in such cases where, in the opinion of the Planning Board, strict conformity would pose an unnecessary hardship to the Applicant and the waiver would not be contrary to the spirit and intent of the Ordinance.

609.5 Design and Operations Guidelines:

The following design and operation guidelines shall be observed within the Aquifer Protection District:

609.5.1 Safeguards: Provisions shall be made to protect against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage, or vandalism through measures such as: spill control provisions in the vicinity of chemical or fuel delivery points, secured storage areas for toxic or hazardous materials, and indoor storage provisions for corrodible or dissolvable materials. For operations which allow the evaporation of toxic or hazardous materials into the interiors of any structures, a closed vapor recovery system shall be provided for each such structure to prevent discharge of contaminated condensate into the groundwater.

609.5.2 Drainage: All runoff from impervious surfaces shall be recharged on the site and diverted toward areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are not feasible and shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminants.

609.5.3 In the case of any sand or gravel excavation permitted in accordance with RSA 155-E, or with respect to any earth removal allowed as being incidental to any permitted use, such excavation or removal shall not be carried out within 8 vertical feet of the seasonal high water table.

609.5.4 Location: Where the premises are partially outside of the Aquifer Protection District Overlay Zone, potential pollution sources

609.5.5 Use of salt on parking areas, storage of road salt or other de-icing chemicals, use of salt on roads in this District shall be minimized

609.6 Non-Conforming Uses:

Any non-conforming use may continue and may be maintained, repaired and improved, unless such use is determined to be a hazard to public health and safety and a detriment to water quality by the Code Enforcement Officer and Health Officer.

Appendix

Sources of Technical Data Used in Mapping The Aquifer Protection District:

- 1) 1992 USGS Water-Resources Investigations Report 91-4025 “Geohydrology and Water Quality of Stratified-Drift Aquifers in the Lower Merrimack and Coastal River Basins, Southeastern New Hampshire”

Recommended by Planning Board (7-0)

Amendment #10 Amend Windham Zoning Ordinance to add the following new **Section 616 Workforce Housing Overlay District**

616 Workforce Housing Overlay District

616.1 Purpose

In accordance with NH State Law, RSA 674:59, the purpose of this ordinance is to provide “reasonable and realistic opportunities for the development of workforce housing” within the Town of Windham. The intent is to encourage a balance of housing types for people of a wide range of incomes to help foster community development, a self-reliant workforce, and support community engagement.

616.2 Authority

This Ordinance is created in accordance with the provisions of RSA 674:58-674:61 and consistent with RSA 672:1 (III-e). In addition, this innovative land use Ordinance is adopted under the authority of NH RSA 674:21 and is intended as an “Inclusionary Zoning” provision, as defined in NH RSA 674:21 (I)(k) and 674:21 (IV)(a).

616.3 Applicability

616.3.1 Developments under this ordinance are allowed in the Residential A District, Residential B District, Residential C District, Rural District, and Village Center District.

616.3.2 Dwelling types allowed in the Rural District, Residential B District, Residential C District, and Village Center District are single family (attached or detached), duplex, and multi-family units.

616.3.3 Dwelling types allowed in the Residential A District is single family (detached).

616.4 Definitions

For the purposes of this Workforce Housing Overlay Zoning Ordinance, the following definitions apply:

Affordable: As defined in RSA 674:58, “housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household's gross annual income.”

Collector Roads: As defined in Section 302 of the Subdivision Control Regulations

Conditional Use Permit (CUP): a Conditional Use Permit (CUP) is administered by the Planning Board and may authorize development which would otherwise not be allowed on a particular site as required under the Zoning Ordinance, Subdivision Regulations, or Site Plan Review regulations.

A CUP may not be granted by the Planning Board to relieve the applicant from the provisions of the Wetlands and Watershed Protection District (WWPD) (Section 601), Flood Plain District (Section 607), the Aquifer Protection District (Section 609), or Historic Demolition Delay Ordinance (Section 719).

Duplex Dwelling Units: A building containing two independent dwelling units of nearly equal size and composition.

Inclusionary Zoning: As defined in NH RSA 674:21 (IV)(a) “land use control regulations which provide a voluntary incentive or benefit to a property owner in order to induce the property owner to produce housing units which are affordable to persons or families of low or moderate income. Inclusionary zoning includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined application process”.

Mixed Income Development – A development where there are both market-rate and workforce housing units built.

Multi-Family Dwelling Unit: “A building or structure containing 5 or more dwelling units, each designed for occupancy by an individual household”, as defined in NH RSA 674:58(II).

Secondary Roads: As defined in Section 302 of the Subdivision Control Regulations

Single Family (Attached) Dwelling Unit: Single-family dwelling that is attached to at least one but no more than three other single-family dwelling. These are typically called townhouses or row houses.

Single Family (Detached) Dwelling Unit: A free-standing residential building for occupancy by one household.

Workforce Housing: As defined in RSA 674:58(IV), “housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Workforce housing also means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household” for the same area as defined above. “Housing development that exclude minor children from more than 20% of the units, or in which more than 50% of the dwelling units have fewer than 2 bedrooms, shall not constitute workforce housing” for the purposes of NH RSA 674:58 or this Ordinance.

616.5 Procedure

616.5.1 Conceptual Consultation

All Workforce Housing project applications must come before the Planning Board for a Conceptual Consultation, as outlined in NH RSA 676:4 (II) (a) & (c). An applicant applying for a development that is intended to qualify as Workforce Housing under this ordinance shall file a written statement of such intent as part of their initial application, as outlined in NH RSA 674:60(I).

616.5.2 Design Review

616.5.2.1 Subsequent to the Conceptual Consultation, all Workforce Housing project applications shall include a Design Review submission and consultation with the Planning Board, as outlined under NH RSA 676:4 (II) (b) & (c).

- 616.5.2.2** An application for a development that is intended to qualify as Workforce Housing under this ordinance shall file a written statement of such intent as part of their initial application per NH RSA 674:60(I).
- 616.5.2.3** Proposed preliminary architectural designs, site, and access layouts must be submitted as part of this review.
- 616.5.2.4** The application must include the rationale and approach to meeting Workforce Housing per NH RSA and these Ordinance requirements.
- 616.5.2.5** The application must include a list of potentially known conditional use permits (CUP), waivers, and variances needed, including justification of their necessity and effectiveness for the project and contributing to affordability as it applies to the Statute and Ordinance.
- 616.5.3** Final Application
 - 616.5.3.1** The application shall include the statutory intent statement filing per NH RSA 674:60(I).
 - 616.5.3.2** All impact fees shall be waived for those residential units that are approved as Workforce Housing, as defined in NH RSA 674:58, and with the applicable waiver requests included in the application at the time of final application submission to the Planning Board.
 - 616.5.3.3** Conditional Use Permits (CUP)
 - 616.5.3.3.1** The applicant must submit a list of requested conditional use permits (CUP) needed, including justification of their necessity and effectiveness in contributing to affordability.
 - 616.5.3.3.2** A CUP may not be granted by the Planning Board to relieve the applicant from the provisions of the Wetlands and Watershed Protection District (WWPD) (Section 601), Flood Plain District (Section 607), the Aquifer Protection District (Section 609), or Historic Demolition Delay Ordinance (Section 719).
 - 616.5.3.3.3** Conditional Use Permits may be granted by the Planning Board if all of the following criteria are met:
 - a) The Conditional Use Permit is necessary in ensuring that the Workforce Housing proposal is affordable;
 - b) The granting of the Conditional Use Permit will not cause negative public health or safety impacts;
 - c) The granting of the Conditional Use Permit will not harm the natural resources of the area;
 - d) Realistic and reasonable measures to prevent the loss of those historic resources defined in 719.2.3;
 - e) The granting of the Conditional Use Permit will not substantially limit the reasonable use of adjacent property; and
 - f) The Development Standards outlined in Section 616.7 are met.
 - 616.5.3.4** If Variances from Section 601, 607, 609, or 719 of the Zoning Ordinance are required, the applicant can request and be granted a joint hearing of the Planning Board and Zoning Board of Adjustment.
 - 616.5.3.5** If review and approval from the Historic District of Section 719 of the Zoning Ordinance are required, the applicant can request and be granted a joint hearing of the Planning Board and the Historic District Commission, per NH RSA 676:2.
 - 616.5.3.6** The application must include the rationale and approach to meeting the definition of Workforce Housing per the State requirements and this Ordinance.
 - 616.5.3.7** The Planning Board may request, at the expense of the applicant, review of project materials by development professionals that are selected and contracted by the Planning Board. These reviews may include (but not be limited to) subjects of traffic, drainage, density calculations, septic and water systems, fiscal, legal, landscaping, architecture, as well as others.

616.5.3.8 The applicant must provide assurance of continued affordability for at least 30 years from the date of Planning Board final approval, or in accordance with State law, whichever is more restrictive. Assurances may include but are not limited to deed restrictions, restrictive covenants, and association documents. Drafts of all documents will be required for review at the time of final application.

616.6 Conditions of Approval

616.6.1 Deed restrictions, restrictive covenants, association documents, and other required legal work related to dwelling units established under this ordinance shall be reviewed by Town Counsel to ensure legal form, ownership and enforceability.

616.6.2 Deed restrictions, restrictive covenants, association documents, and other legal work related to dwelling units established under this ordinance shall be properly referenced on all plans filed with the Windham Planning Board and the Registry of Deeds.

616.6.3 Workforce Housing Units developed under this ordinance are to remain affordable for a time period no less than 30 years from the date of final Planning Board approval, or in accordance with State law, whichever is more restrictive.

616.6.4 In a mixed income development where there are both market-rate and workforce housing units, the dwellings qualifying as Workforce Housing shall be made available for occupancy on approximately the same schedule as a project's market-rate units. A schedule setting forth the phasing of the total number of units shall be established prior to final approval by the Planning Board. Said schedule shall be filed at the Registry of Deeds, and be properly updated with the Town and Registry as a condition of release of building permits.

616.6.5 Other reasonable conditions or restrictions may be placed on the application as determined by the Planning Board. All conditions and restrictions of approval will be provided in compliance with NH RSA 674:60(II).

616.6.6 The procedures and criteria outlined in NH RSA 674:60(III) regarding conditions and restrictions of the approval will be followed.

616.7 Development Standards

Unless otherwise outlined herein, developments shall meet the requirements of the Town of Windham Subdivision and Site Plan Regulations, as applicable.

616.7.1 Density:

616.7.1.1 Total allowed unit density shall be determined by soil based lot sizing in accordance with the New Hampshire Code of Administrative Rules Chapter Env-Wq 1000 "Subdivision and Individual Sewage Disposal System Design Rules". Site Specific Soils Survey Mapping, including certified soils testing data, certified topographic and wetlands plans, and detailed soil area plans and spreadsheets shall be utilized in the calculations.

616.7.1.2 In a mixed income development where there are both market-rate and workforce housing units, a minimum of 25% of the dwellings must qualify as workforce housing. The Workforce Housing units should be interspersed throughout the overall development.

616.7.2 Dwelling units:

616.7.2.1 The architecture should be complimentary and harmonious with abutting developments.

616.7.2.2 In a mixed income development, the dwellings qualifying as Workforce Housing shall be compatible in architectural style and appearance with the market rate dwellings within the proposed development.

616.7.3 Frontage, Setbacks and Yard Regulations:

616.7.3.1 Structures may be located in any manner on the site that meet this Ordinance's requirements and objectives, and provided that the following dimensional standards are met:

616.7.3.1.1 Proposed dwelling units that have their frontage on existing public roads shall have frontages and front yard setbacks as required in the underlying zoning district.

616.7.3.1.2 Proposed dwelling units shall have the required building setbacks for the underlying zoning district along the abutting property lines.

616.7.3.2 There shall be a minimal horizontal separation between all structures: single family (detached) 20 feet, single family (attached) 35 feet, duplex 20 feet, and multi-family 35 feet.

616.7.4 Layout

616.7.4.1 The proposed plans shall show the location of all buildings, amenities, and common facilities on the property, as well as those other development abutting the property.

616.7.4.2 The plans shall indicate the natural features such as open fields, water features, woodlands, wetlands, trails, stonewalls, and known historic features.

616.7.4.3 All utilities and municipal/private infrastructure (existing and proposed) shall be shown.

616.7.5 Roads

616.7.5.1 All proposed Town roads within a Workforce Housing development shall be constructed to Town standards. Alternatively, development accesses can be provided by private roads and/or drives and shall meet all applicable standards for development and be privately owned and maintained.

616.7.5.2 Collector roads shall have a minimum right-of-way and road width in accordance with current subdivision regulations. However, collector road widths should not exceed the width of the existing road if it is a continuation of that road.

616.7.5.3 Secondary Roads may be ended in a turnaround or turning stub, with maximum road length in accordance with current subdivision regulations. The minimal geometry allowed for the end configuration shall meet minimum emergency access vehicle criteria. The minimum paved width for a secondary road shall be twenty-two feet (22 ft).

616.7.5.4 All Roads and access ways shall be designed to meet current AASHTO (American Association of State Highway and Transportation Officials) standards.

616.7.6 Water and Waste Treatment Systems

616.7.6.1 The development may be served by common water and waste water systems and/or individual systems, either off site or onsite, and include applicable easements and service intents as required by State Permitting.

616.7.6.2 Wells and waste water systems shall have a protective radii and nitrate setbacks as required by the State of New Hampshire and the Town of Windham NH and/or evidence of approvable waivers as may be required by jurisdictional authorities.

616.7.6.3 Any wastewater treatment system or backup system shall have appropriate state approval.

616.8 Appeals

An applicant who has filed a Workforce Housing proposal that is denied or is approved with conditions or restrictions which have a substantial adverse effect on the viability of the proposed development may appeal the action to the Superior Court as outlined in NH RSA 674:61.

Recommended by Planning Board (6-1)

Amendment #11 Amend Section 200 Definitions & 602.1.6 Customary Home Occupations

Section 1) Amend Section 200 Definitions by deleting the existing language for Customary Home Occupations and replace it with “An occupation for gain or support conducted primarily on the premise. It is clearly a secondary use of the property, which does not adversely affect the residential character of the neighborhood. It is in compliance with the criteria established for a Customary Home Occupation.”

Section 2) Amend Section 602.1.6 Customary Home Occupations by deleting the existing Section 602.16 and replacing it with the following

Section 602.1.6 Customary Home Occupation

602.1.6.1 The purpose of the Customary Home Occupation ordinance is to allow diversity in employment available to Town residents, to support the variety of uses characteristic of small towns, and to allow reasonable growth. At the same time, the Ordinance intends to protect the character of the Town's residential neighborhoods and keep neighborhood residents free from nuisance.

602.1.6.2 A Customary Home Occupation shall be permitted by Conditional Use Permit by the Planning Board, per NH RSA 674:21. Site Plan Review by the Planning Board is not required.

602.1.6.3 The use of a room in a dwelling as a home office by a resident/occupant is an allowed use and does not require a Conditional Use Permit, provided that the use does not generate any traffic such as (i) deliveries or pickup of supplies or materials in excess of normal residential use, or (ii) clients coming to the property.

602.1.6.4 A Customary Home Occupation shall be carried out primarily on the premises, by those residing on the property and shall not change the residential character thereof. Upon request, the Planning Board is authorized to permit the employment of one additional employee.

602.1.6.5 No exterior renovations or construction, nor the public display of goods or wares or the exterior storage of material will be permitted

602.1.6.6 The Customary Home Occupation shall be clearly incidental and secondary to the residential use and shall not change the residential character of the neighborhood.

602.1.6.7 The Customary Home Occupation shall not occupy more than 25% of the normal living area of the dwelling.

602.1.6.8 A Customary Home Occupation will not adversely affect neighboring properties, by reason of any unusual signage, lighting, noise, odors, or traffic.

602.1.6.9 The Planning Board shall consider the recommendation of the Code Enforcement Officer as to the adequacy of the water supply, sewage disposal system, and driveway entrances.

602.1.6.10 No additional parking areas in excess of those necessary for normal residential purposes will be allowed. On-street parking for Customary Home Occupations is not allowed.

602.1.6.11 No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

602.1.6.12 The Planning Board may impose such conditions and restrictions as it deems necessary to protect the residential character of the neighborhood.

602.1.6.13 In all cases where a Conditional Use Permit for a Customary Home Occupation is applied for, the person applying must complete and sign an application form that sets forth the nature of the Customary Home Occupation and provides the details of the business and scope of operations. The applicant shall comply with the conditions set forth in the granting of the Conditional Use Permit and the failure to comply will result in the revocation of the Conditional Use Permit.

602.1.6.14 If a property is sold at which a Conditional Use Permit has been granted to allow a Customary Home Occupation, the Conditional Use Permit is transferable to the new property owner(s) only if the use and conditions under which the Conditional Use Permit were granted remain the same.

Recommended by Planning Board (7-0)

Amendment #12 Amend Sections 612.3.1 Village Center District , 614.2.1 Professional, Business, and Technology District, 702.5 Area, Frontage, Yard and Floor Area Requirements, and Appendix A-1 Note #9

Section #1) Amend Section 612.3.1 Village Center District by deleting the existing language replacing it with the following "There shall be a minimum fifty feet (50') natural buffer of vegetation supplemented by evergreen trees and landscaped berms from the abutting residential zoning district."

Section #2) Amend Section 614.2.1 Professional, Business, and Technology District by deleting the existing language and replacing it with the following "If a non-residential use (building, parking area, or driveway) is proposed closer than 100' from a residential zoning district, a vegetative buffer or earthen berm 50' wide must be provided, which will provide screening for the residential use."

Section #3) Amend Section 702.5 Area, Frontage, Yard and Floor Area Requirements by deleting the existing language and replacing it with “If a non-residential use (building, parking area, or driveway) is proposed closer than 100’ from a residential zoning district, a vegetative buffer or earthen berm 50’ wide must be provided, which will provide screening for the residential use.”

Section #4) Amend Appendix A-1 Table of Requirements, Note #9 by deleting the existing language and replacing it with “If a non-residential use (building, parking area, or driveway) is proposed closer than 100’ from a residential zoning district, a vegetative buffer or earthen berm 50’ wide must be provided, which will provide screening for the residential use.”

Recommended by Planning Board (7-0)

ARTICLE 3. To vote by ballot on the following amendments to the Windham Zoning Ordinance and Zoning District Map as submitted by Petition under RSA 675:4.

Citizen Petition #1. Section 608 Historic District

Petition of Carol Pynn and others to amend Section 608 of the Historic District Ordinance of the Town of Windham Zoning Regulations. The intent of the amendments are to restructure the layout of the ordinance, eliminate language which is detailed in statute, amend certain section titles to better indicate the intent of the sections, and to further define the allowed uses within a Historic District.

The following represents the proposed amendments to Section 608 – Historic District Ordinance of the Zoning Regulations as petitioned for consideration at the March 2010 Windham Town Meeting:

1. To Amend Section 1 by deleting the title reference “LEGISLATIVE INTENT” and adding in place thereof the title “AUTHORITY AND PURPOSE” and further adding a new first sentence to read “*This ordinance is established under the authority granted in RSA 674:45 and 674:46*”
2. To Amend Section III by deleting the current language in its entirety and adding in place thereof the following:

“SECTION III : POWERS AND DUTIES

- A. Membership: Qualifications; Term; Vacancies. The Commission shall consist of five (5) members and up to three (3) alternate members, all of whom shall be appointed by the Board of Selectmen. The members of the Commission shall be appointed for three (3) year terms, except the initial appointments, which shall be staggered so no more than two Selectmen’s appointments are made annually, except when required to fill vacancies. In addition, the Selectmen may appoint three (3) persons to serve as alternate members of the Commission. Alternate members shall be appointed for three (3) year terms, one (1) each year, except initial appointments, which shall be staggered such that only one term expires each year. Members (and alternates) of the Commission shall serve without compensation. In the event of a vacancy on the Commission, interim appointments may be made by the Board of Selectmen to complete the unexpired terms of such position.
- B. Specific Powers and Duties
 1. It shall be the duty of the Historic Commission to develop regulations for the accomplishment of the purposes of this Ordinance within said Historic District and within the provisions of the Ordinances and to relate said regulations to the Master Plan for Windham.
 2. The Commission shall have the power to accept and use gifts, grants, as contributions for the exercise of its functions.
 3. The Commission shall have the power to review and act upon all building permits for applications situated within the boundaries of any Historic District established, such power of review and approval, approval with conditions, or disapproval shall be limited to those considerations which affect the relationship of the applicant’s proposal to its surroundings, to the locations and arrangement of structures, to the treatment of exterior architectural features and finish of structures, and the compatibility of the land use within the district as may be deemed to affect the character and integrity of said district to achieve the purpose of this Ordinance.

4. It shall be the duty of the Historic Commission to provide reports and recommendations regarding development proposals to the Planning Board, Zoning Board of Adjustment, and other officials who may require information pertinent to the application.
 5. It shall be the duty of the Commission to seek advice from such professional, educational, cultural, and other groups of persons that may be deemed necessary in the determination of a decision. The Commission shall have the power to engage such technical assistance and consultants as may be deemed necessary to appropriately review an application to assure its compatibility with the terms and purposes of this Ordinance. The costs of any such reviews shall be paid by the applicant.
 6. It shall be the duty of the Commission to file with the Building Inspector or other duly delegated authority either a certificate of approval, certificate of approval with conditions, or notice of disapproval following the review and determination of any application. Said certificate shall be filed with the Building Inspector, or other duly delegated authority within 45 days after filing of the application of said certificates unless the applicant shall agree to a longer period of time for review. Failure to file such certificate within the specified period of time shall be deemed to constitute approval by said Commission.
 7. No building permit shall be issued until a certificate of approval or certificate of approval with conditions has been filed with the building inspector.
 8. In the case of a certificate of disapproval, such notice shall be binding upon the Building Inspector or other duly delegated authority and no permit shall be issued. In case of disapproval, the Historic Commission shall state the reasons for such disapproval in a written statement to the applicant and placed on file with the Building Inspector within 5 days of such decision being made.
 9. The Historic Commission may refuse to issue a certificate of approval or certificate of appropriateness for the erection, reconstruction, alteration, demolition, partial demolition or removal of any structure within the Historic District, which in the opinion of the Historic Commission would be detrimental to the interest of the Historic District against the public interest of the Town.
 10. In addition to the aforementioned powers the Historic Commission may conduct surveys of buildings for the purposes of determining those of historic and/or architectural significance and pertinent facts about them; formulate recommendations concerning the preparation of maps, brochures, and historic markers for selected historic and/or architectural sites and buildings; cooperate with and advise the governing body, and the Planning Board and other municipal agencies involving historic and/or architectural sites and buildings.”
3. To amend Section IV Interpretation by deleting the following words in the last sentence “*nor to prevent the construction, alteration, repair, moving or demolition of any structure under a permit issued by the Building Inspector or any duly delegated authority prior to the establishment of such district.*”
 4. To amend Section V as follows:
 - (1) deleting the current title of “MATTERS TO BE CONSIDERED IN PASSING UPON APPROPRIATENESS OF ERECTION, RECONSTRUCTION OR RESTORATION OF STRUCTURE” and adding in place thereof the title “CRITERIA USED WHEN REVIEWING APPLICATIONS”;
 - (2) amending the second sentence in the section by deleting the current language in its entirety and adding in place thereof the words “*The Historic Commission shall consider the following criteria when reviewing applications.*”;
 - (3) amending Section V(2) by adding the words “*roofing material, etc*” at the end of the sentence.;
 - (4) amending Section V(8) by deleting in its entirety and adding in place thereof the following “*Color: The predominant color should reflect historical accuracy and may be a natural material or may be painted. This allows considerable latitude for variation within a single color spectral grouping*”.

5. To Amend Section VI: PROCEDURE by deleting the current language in its entirety and adding in place thereof the following:

SECTION VI : PROCEDURE

- A. Certificate of Approval. Notwithstanding any inconsistent ordinance, local law, code, rule or regulation concerning the issuing of building permits, no change in any architectural feature, in the district shall be commenced without a certificate of approval or certificate of approval with conditions from the Historic Commission nor shall any building permit for such change be granted without such a certificate of approval having first been issued. The certificate of approval required by this section shall be in addition to and not in lieu of any building permit that may be required by any ordinance, local law, code, rule or regulation of the Town of Windham.
- B. Pre-Application Review Procedure. Prior to the formal submission for consideration, preliminary scale drawings and outline specifications, including color samples for outside work, may be submitted for review and informal discussion with the Historic Commission. The purpose of this review shall be to acquaint the applicant with standards of appropriateness of design that are required for the proposed development. In case of very minor projects involving repair or alterations to existing buildings and other data are sufficiently clear and explicit, may grant preliminary and final approval at one session. Should said data indicate alterations, remodeling, or repairs not changing the exterior appearance, the Historic Commission may exempt the application from the provisions of Section VI and approve permit.
- C. Data to be submitted with formal Application. Application for a certificate of approval shall be made upon forms prescribed by the Historic Commission and shall contain the following information:
 1. Name, address, telephone number of applicant.
 2. Location of building, structure, or land, the exterior architectural features of which are proposed to be changed.
 3. Drawings for the proposed alterations, additions, or changes and for new construction of building or property use. As used herein, drawings shall mean plans and exterior elevations drawn to scale with sufficient detail to show the architectural design of the building. Plans and drawing do not need to be drawn by an architect.
 4. Samples of materials, texture, and color.
 5. Site Plan including all improvements affecting appearances such as walls, walks, steps, terraces, lighting, fencing, accessory buildings, sign and other elements.
 6. Sign: Any proposed sign or existing sign to be changed either in size, color, or lettering, shall be shown on a detailed scale drawing showing the type of lettering, all dimensions and colors, a description of materials to be used and methods of illumination, if any, and a plan showing the location on building or property.
 7. All of the above mentioned data shall be filed with the Historic Commission through the Community Development Department.
6. To Amend Section VII VIOLATIONS by deleting the current language in its entirety and adding in place thereof the following:

SECTION VII : VIOLATIONS

Failure to comply with any of the provisions of this ordinance shall be deemed a violation and subject to Section 1300 of the Zoning Ordinance.

7. To Amend Section VIII ALLOWED USES by deleting the current language in its entirety and adding in place thereof the following:

SECTION VIII : ALLOWED USES

The following are land uses allowed in the Historic District: municipal uses, except solid waste facilities and stand alone antenna towers; offices for professional occupations as defined in the Windham Zoning Ordinances Section 200; social, political and religious uses; and single family residences.

Recommended by Planning Board (7-0)

Citizen Petition #2. Cobbetts Pond Watershed Protection Overlay District

Petition by Kathleen DiFruscia and others to see if the Town of Windham will amend its Zoning Ordinance and Land Use Regulations to include a Cobbetts Pond Watershed Protection Overlay District . The boundaries of the Cobbetts Pond Watershed Protection Overlay District have been delineated by the New Hampshire Department of Environmental Services. The purpose of this Watershed Protection Overlay District and accompanying regulations is to prevent the further degradation of Cobbetts Pond’s water quality through the regulation of land uses and development within the Watershed Protection Overlay District.

COBBETTS POND WATERSHED PROTECTION ORDINANCE

SECTION 1: WATERSHED PROTECTION ORDINANCE

1.1 Authority and Statement of Intent

- a. Pursuant to RSA 674: 21, the Town of Windham adopts a Watershed Protection Overlay District and accompanying regulations to ensure the protection and preservation of Cobbett’s Pond and its watershed from the effects of point and non-point source pollution or sedimentation. The establishment of the Watershed Protection Overlay District and the adoption of these regulations are intended:
 - (1) to protect public health,
 - (2) to protect aquifers, which serve as existing or potential water supplies, and the aquifer recharge system,
 - (3) to protect surface waters and wetlands contiguous to surface waters,
 - (4) to protect the natural areas and wildlife habitats within the Watershed Protection Overlay Zone by maintaining ecological balances,
 - (5) to prevent the degradation of water quality through the regulation of land uses and development within the Watershed Protection Overlay District, and
 - (6) to assure proper used of natural resources and other public requirements.
- b. In the event of a conflict between the requirements of this section and other requirements of the Windham Zoning Ordinance or state law, the more stringent requirements shall govern.

1.2 Applicability

- a. The special provisions established in this Watershed Protection Ordinance shall apply to all development proposals and to potential contaminating activities within the Watershed Protection Overlay District. In addition, all such proposals and activities will be required to demonstrate that they will “do no harm” to Cobbett’s Pond. The boundaries of the Watershed Protection Overlay District have been delineated by the NH DES using current location data (see attachment 1).
- b. The boundaries of the Watershed Protection Overlay District may be identified through drainage, groundwater and soils analyses and are considered to be essential to the protection of the watershed from the effects of point and non-point source pollution or sedimentation. These boundaries may be modified by the Planning Board as new relevant data becomes available.

1.3 Administration

- a. General: The Windham Planning Board shall have sole and exclusive authority to administer the provisions of the Watershed Protection Ordinance. The Planning Board is further authorized to adopt amendments to this ordinance and other regulations in order to further administer the requirements of this Watershed Protection Ordinance. All development proposals and potential contaminating activities occurring wholly or partly in an area within the Watershed Protection Overlay District shall be subject to the requirements of this Ordinance, including review and approval by the Planning Board. Such review and approval shall be in addition to any reviews and approvals required by State statute, the Windham Zoning Ordinance, or Windham regulations. Such review and approval and any and all conditions attached to an approval shall be documented consistent with the Planning Board’s requirements for memorializing approvals and associated conditions before issuance of any building permit by the Town.
- b. Enforcement: The Code Enforcement Officer shall be responsible for enforcing the provisions and conditions of this Watershed Protection Ordinance, pursuant to the provisions of Section 1500 of Windham’s Zoning Ordinance.

1.4 Definitions

- a. Buffer Zone. The undisturbed natural area sufficient in size to mitigate runoff effects harmful to water quality.
- b. Public Water Body. All water bodies with a surface area of 10 acres or more.
- c. Point and non-point source pollution. Point pollution comes from a single source such as the discharge from a drainage pipe. Non-point pollution comes from multiple sources such as rain water run-off.
- d. Contamination. Sedimentation, point and non-point source pollution, septage, or the discharge of hazardous materials.
- e. Development. Any activity resulting in a change in the physical character of any parcel of land, such as may be caused by, but not limited to, construction, change in use, external repair, land disturbing activity, grading, road building, and pipe laying.
- f. Hazardous Materials. As defined in Superfund Amendment and Reauthorization Act of 1986 and Identification and Listing of Hazardous Wastes, 40 C.F.R. §261 (1987).
- g. Hydrology. The study of the earth's waters, their distribution and the cycle involving precipitation, infiltration into the soil and evaporation.
- h. Impervious surface. An area whose water absorbing characteristics are greatly reduced as compared to the natural land and therefore less easily penetrated by moisture including, but not limited to, dirt and paved roads, driveways, parking lots, sidewalks, patios, decks, and roofs.
- i. Infiltration rate. The volume of surface water that filters into the soil per unit of time.
- j. Potential Contaminating Activity. Activities that have the potential to create a new discharge of contaminants or to increase the discharge of contaminants to surface or ground-waters.
- k. Runoff Volume. The volume of surface water that runs off during a storm event.
- l. Sedimentation. The deposition of sand, silt, soil or other matter into a watercourse or wetland, including that resulting from post-development surface runoff.
- m. Storm event. A period of sustained rainfall with a minimum total accumulation of 0.25 inches of precipitation over a 24 hour period.
- n. Storm water. Surface water runoff from a non point source caused by a storm event.
- o. Tributary stream. Any perennial or intermittent stream, flowing either directly or indirectly into a public water body. This shall include any tributary stream section contained within a pipe system.
- p. Watershed. The area lying within the drainage basins of public water bodies.
- q. Non-point Source Pollution. Contaminants including, but not limited to pesticides, fertilizers, animal wastes, sediments, nutrients, and heavy metals that are deposited on the ground surface and flow into and pollute nearby surface waters.
- r. Best Management Practices. As defined in "Innovative Stormwater Treatment Technologies, Best Management Practices Manual-May 2002" and "Best Management Practices to Control Non-Point Source Pollution, A Guide for Citizens and Town Officials-January 2004" prepared by NH DES and "Buffer for Wetlands and Surface Waters, a guidebook for New Hampshire Municipalities," May 1997 or any updated versions thereof.
- s. Low-Impact Development (LID): an approach to site development and design that provides increased opportunities for stormwater infiltration and increased hydrologic function within a watershed as defined in NH DES Fact Sheet WD-WMB-17, "Low-Impact Development: Taking Steps to Protect New Hampshire's Surface Waters", 2005 or any updated versions thereof.

1.5 Use Regulations

- a. Permitted uses, special exception uses, accessory uses, dimensional standards and special requirements established by the underlying zoning district shall apply, except as modified below:
- b. The following uses shall be specifically prohibited within the Watershed Protection Overlay District:
 - (1) Storage or production of hazardous materials as defined in either or both of the following:
 - (a) Superfund Amendment and Reauthorization Act of 1986.
 - (b) Identification and Listing of Hazardous Wastes, 40 C.F.R. §261 (1987)
 - (2) Disposal of hazardous materials or solid wastes.
 - (3) Treatment of hazardous material, except rehabilitation programs authorized by a government agency to treat hazardous material present at a site prior to the adoption of this ordinance.

- (4) Any business that stores, uses or disposes of hazardous material, unless all facilities and equipment are designed and operated to prevent the release or discharge of hazardous materials and have undergone an inspection by the Town of Windham Code Enforcement Officer to certify they are in compliance with hazardous material regulations.
- (5) Disposal of septage or septic sludge, as defined by New Hampshire Solid Waste Rules Env-Wm101-300 & 2100 - 3700.
- (6) Automobile service and repair stations.
- (7) Junkyards and Salvage Yards.

1.6 Review Requirements for Development in the Watershed Protection Overlay District

- a. General. Applications for subdivision of land and for site plan review and approval are subject to all review requirements of this Section, including the requirement in 1.6b. that they shall be accompanied by a hydrologic study. Applications for new home construction and additions, modifications and repairs of existing homes need not be accompanied by a hydrologic study but must meet the other review requirements of this Section. New home construction applications must include a soil erosion plan as set forth in 1.6c. This Watershed Protection Ordinance does not establish any pre-approval requirements for other land development proposals that do not involve potential contamination.
- b. Any application for a land development proposal involving the subdivision of land or site review and approval, occurring wholly or partly in the Watershed Protection Overlay District, shall be submitted to the Planning Board for review and approval and shall be accompanied by a hydrologic study prepared in accordance with the requirements set forth in Section 1.7. Said study must document, in a manner acceptable to the Planning Board, that the proposed land development would provide the same or a greater degree of water quality protection as existed on the site(s) at the time the application is made.
- c. All development within the Watershed Protection Overlay District will be evaluated by the Planning Board to ensure that:
 - (1) Non-point source pollution is prevented to the maximum extent possible, taking into account site conditions such as slope, soil type and erosivity and vegetative cover. The amount of lawn is limited to 10% of all dry land.
 - (2) Best Management Practices (BMPs) are in place and are sufficient to remove or neutralize those pollutants that present a potential impact to the water body. In the case of proposals for new home construction, the proposal shall include an erosion and sedimentation control plan prepared by an engineer licensed in the State of New Hampshire. The use or creation of holding-ponds is not allowed for runoff control, except in those cases where an extended detention pond may be necessary to develop a site.
 - (3) Grading and removal of vegetation at a development site is minimized and erosion and sedimentation control measures are in place and properly installed.
 - (4) All septic tanks, pump chambers, and/or holding tanks will be pumped and inspected by a State of New Hampshire licensed septic services provider to ensure proper functioning and a copy of the pumping and inspection report shall be sent to the Town Code Enforcement Officer within 30 days of pumping and inspection. Such pumping and inspection shall occur at least every three years, or more frequently if recommended by the licensed septic service provider. If two or more dwelling units share a common sewage treatment system a perpetual maintenance agreement from the building's owner is required.
 - (5) Activities involved in potential contamination within the Watershed Protection Overlay District, but which have received a special exception, must submit a spill prevention control and countermeasures plan for approval. This plan shall include the following elements:
 - (a) Disclosure statements describing the types, quantities, and storage locations of all contaminants that will be part of the proposed project.
 - (b) Contaminant handling and spill prevention techniques.
 - (c) Spill reporting procedures, including a list of affected agencies to be contacted in the event of a spill.
 - (d) Spill recovery plans, including a list of available equipment.
 - (e) Spill cleanup and disposal plans.

- (f) Existing land uses located within the Watershed Protection Overlay District and identified as potential contaminating activities by the Planning Board shall comply with the requirements of Section 1.6c5.

1.7 Hydrologic Study and Plan

- a. A hydrologic study shall be performed developed by a professional engineer or hydrologist licensed in the State of New Hampshire and shall include the following information:
 - (1) Description of the proposed project including location and extent of impervious surfaces; on-site processes or storage of materials; the anticipated use of the land and buildings; description of the site including topographic, hydrologic and vegetative features.
 - (2) Characteristics of natural runoff on the site and projected runoff with the proposed project, including its rate and chemical and/or biological characteristics deemed necessary to make an adequate assessment of water quality.
 - (3) Measures proposed to be employed to reduce the rate of runoff and pollutant loading of runoff from the project area, both during construction and after.
 - (4) Proposed runoff control and watershed protection measures for the site. These measures shall be designed with the goal of ensuring that the rate of surface water runoff from the site does not exceed pre-development conditions and that the quality of such runoff will not be less than pre-development conditions. Special emphasis shall be placed on the impacts of proposed encroachments into the required buffer.
 - (5) Where the developer of property subject to the terms of this Watershed Protection Ordinance seeks to utilize existing or planned off-site storm-water quality management facilities, the developer shall provide a written certification that the owner of the off-site facilities will accept the runoff and be responsible for its adequate treatment and that the arrangement will run with the land in a manner that will be acceptable to the Planning Board.
- b. The study shall make use of existing Cobbett's Pond water quality historical data to the maximum extent possible. If new data is to be relied upon, the Town reserves the right to have the data reviewed by an independent expert at the expense of the developer, before the study is deemed complete and ready for review.
- c. The study shall be submitted to the Planning Board for review and approval concurrently with the submission of applications for review and approval of site or subdivision plans or applications for land disturbing or erosion and sediment control permits.

1.8 Buffer Requirements

- a. A 100-foot wide buffer zone shall be maintained along the edge of any tributary stream discharging into Cobbett's Pond and along the edge of any wetlands associated with those tributary streams. The required setback distance shall be measured from the centerline of such tributary stream and from the delineated edge of a wetland. Streams and wetlands shall be delineated from their mean high water mark. The buffer zone shall be maintained in its natural state to the maximum extent possible.
- b. Any reduction in the required buffer zone width may be granted by the Planning Board upon presentation of a hydrologic or other study that provides documentation and justification, acceptable to the Planning Board, that even with the reduction, the same or a greater degree of water quality protection would be afforded as would be with the full-width buffer zone. In granting such a reduction, the Planning Board may require certain conditions of approval which may include, but are not limited to, restrictions on use, type of construction, and erosion, runoff or sedimentation control measures as deemed necessary to protect water quality.
- c. All development shall be located outside of the required buffer zone.
- d. The following uses shall not be permitted within the buffer zone or within twenty-five feet (25') of any required buffer zone:
 - (1) septic tanks and drain-fields;
 - (2) feed lots or other livestock impoundments;
 - (3) trash containers and dumpsters which are not under roof or which are located so that leachate from the receptacle could escape unfiltered and untreated;
 - (4) fuel storage in excess of fifty (50) gallons [200L];
 - (5) sanitary landfills;

(6) activities involving the manufacture, bulk storage or any type of distribution of materials hazardous to Cobbett's Pond as defined in the Hazardous Materials Spills Emergency Handbook, American Waterworks Association, 1975, as revised, including specifically the following general classes of materials:

- (a) oil and oil products,
- (b) radioactive materials,
- (c) any material transported in large commercial quantities that is a very soluble acid or base, highly biodegradable, or can create a severe oxygen demand,
- (d) biologically accumulative poisons,
- (e) the active ingredients of poisons that are or were ever registered in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 USC 135 et seq.),
- (f) substances lethal to mammalian or aquatic life,
- (g) road salt,
- (h) lawn fertilizers.

(7) No more than 50 % of basal area of timber may be cut over a twenty (20) year period.

1.9 Septic Systems

- a. For any new construction, an Effluent Disposal System (EDS) shall be installed in accordance to NH DES regulations requiring a 75 foot setback from Hydric-A soils and a 50 foot setback from Hydric-B soils from any surface water or wetland area.
- b. For any expansion of an existing structure, or the seasonal conversion of an existing structure, the owner shall conform to RSA 485-A: 38 and the associated Code of Administrative Rules for Subdivision and ISDS Design Rules, as amended.
- c. For a new subdivision development for which EDS's are proposed, if the lots are less than 5 acres, then all plans and permit application shall conform to all relevant NH DES rules and regulations. For lots that are greater than 5 acres, all plans and permit applications shall show an area of 4000 sq. ft., within which the EDS may be located, with test pit and percolation test data to verify the site's suitability for a septic system.
- d. If any septic assessment or an on-site inspection indicates that the existing system is in failure, a plan for a replacement system shall be submitted to NH DES within 30 days from the date of the onsite inspection.

1.10 Site Construction (Commercial / Industrial or Residential)

- a. No new impervious driveways are allowed within 75 feet of any surface water or wetland area. Accessory structures are allowed when permitted by the NH DES
- b. The impervious area of any building lot is limited to 30%. Impervious area includes building area, gravel or asphalt driveway and parking area.
- c. For any use that will render impervious more than 20% or more than 2,500 square feet of any lot, whichever is greater, a storm water management and erosion control plan, consistent with Storm water Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, Rockingham County Conservation District, August 1992, as amended, shall be prepared and submitted to the Planning Board for review. No building Permit shall be issued until such time as the Planning Board has reviewed and approved said plan.

1.11 Agriculture Activities

- a. Livestock are not allowed direct access to surface waters. Drinking water for livestock shall be provided by the use of a tub or other container located a minimum of 150 feet away from any surface water or wetland. No impervious surfaces may be in the runoff trajectory from the tub or other container to the surface water.
- b. Application of fertilizers or pesticides is not allowed within 200 feet from any surface water or wetland.
- c. All livestock grazing and feeding areas shall be a minimum of 200 feet away from surface waters.
- d. All runoff from livestock feeding areas shall be directed away from surface water or wetland area.

- e. No spreading of animal manure on fields or pastures is allowed any closer than 200 feet away from any surface water or wetland. No stockpiling of manure is allowed any closer than 200 feet from any surface water or wetland area and the stockpiling must be placed on an impervious surface and contained to prevent the release of leachate.
 - f. Unless stricter setbacks or operational requirements are outlined above, all agricultural operations shall be conducted in accordance with the Manual of Best Management Practices for Agriculture in New Hampshire, NH Dept. of Agriculture, June 1993, as amended, and in accordance with all appropriate sections of the Comprehensive Shoreland Protection Act, as amended.
- 1.13 Forestry (Includes all commercial forestry activities)
- a. A minimum 75-foot undisturbed natural vegetated buffer shall be maintained adjacent to all surface waters or wetland areas.
 - b. Unless stricter setbacks or operational requirements are outlined above, all forestry operations shall be conducted in accordance with the Best Management Practices for Erosion Controls on Timber Harvesting Operations in New Hampshire, NH Division of Forests and Lands, February 2000, as amended, and in accordance with all appropriate sections of the Comprehensive Shoreland Protection Act, as amended.
- 1.14 Exceptions
- a. There will be no special exceptions to this ordinance unless included in the ordinance as written.
 - b. All exceptions are to be complied with before any and all new construction starts, not at the date of application for a building permit.

Recommended by Planning Board (7-0)

Citizen Petition #3. Workforce Housing Overlay District

Petition of Joseph P. Faro and others to amend the Windham Zoning Ordinance by adopting a Workforce Housing Overlay District that reads as follows:

Purpose

In accordance with NH State Law, RSA 674:59, the purpose of this ordinance is to provide for the “reasonable and realistic opportunities for the development of workforce housing” within the Town of Windham. The intent is to encourage a balance of housing types for people of a wide range of incomes to help foster community development, a self-reliant workforce, and support community engagement.

Authority

This Ordinance is created in accordance with the provisions of RSA 674:58-674:61 and consistent with RSA 672:1 (III-e). In addition, this innovative land use Ordinance is adopted under the authority of NH RSA 674:21 and is intended as an “Inclusionary Zoning” provision, as defined in NH RSA 674:21 (I)(k) and 674:21 (IV)(a).

Applicability

- Developments under this ordinance are allowed in the Residential B, Residential C and the Rural Districts.
- Dwelling types allowed under the Workforce Housing Overlay District are single family (attached and detached), and duplexes in the Rural District
- Dwelling types allowed in the Workforce Housing Overlay District are single family (attached and detached), duplex, and multi-family units in Residential B, & C Districts.

Definitions

For the purposes of the Workforce Housing Overlay Zoning Ordinance, the following definitions apply:

Affordable: As defined in RSA 674:58, “housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household’s gross annual income.”

Collector Roads: Roads that act as “through streets” which connect to different existing public right-of-ways.

Conditional Use Permit (CUP): a Conditional Use Permit (CUP) is administered by the Planning Board and may authorize development which would otherwise not be allowed on a particular site as required under the Zoning Ordinance, Subdivision Regulations, or Site Plan Review regulations.

A CUP may not be granted by the Planning Board from the provisions of the Wetlands and Watershed Protection District (WWPD)(Section 601), Flood Plain District (Section 607), the Aquifer Protection District (Section 609), Historic District (Section 608), or Historic District Demolition Delay Ordinance (Section 719).

Duplex Dwelling Units: A building containing two independent dwelling units of nearly equal size and composition.

Inclusionary Zoning: As defined in NH RSA 674:21 IV(a) “land use control regulations which provide a voluntary incentive or benefit to a property owner in order to induce the property owner to produce housing units which are affordable to persons or families of low or moderate income. Inclusionary zoning includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined applications process”.

Multi-Family Dwelling Unit: “A building or structure containing 5 or more dwelling units, each designed for occupancy by an individual household”, as defined in NH RSA 674:58 II.

Secondary Roads: Roads that are not “through streets” but are used exclusively for access to the properties within a development.

Single Family (Attached) Dwelling Unit: Single-family homes that are attached to at least one other single-family home. These are typically called townhouses or row houses.

Single Family (Detached) Dwelling Unit: A free-standing residential building for occupancy by one household.

Workforce Housing: As defined in RSA 674:58IV, “housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or country in which the housing is located as published annually by the United States Department of Housing and Urban Development. Workforce housing also means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household” for the same area as defined above. “Housing development that exclude minor children from more than 20% of the units, or which more than 50% of the dwelling units have fewer than 2 bedrooms, shall not constitute workforce housing” for the purposes of NH RSA 674:58 or this Ordinance.

Procedure

Conceptual Consultation

All Workforce Housing project applications must come before the Planning Board for a Conceptual Consultation, as outlined in NH RSA676:4 II (a) & (c). An applicant applying for a development that is intended to qualify as Workforce Housing under this ordinance shall file a written statement of such intent as part of their initial application, as outlined in NH RSA 674:60-I.

Design Review

1. Subsequent to the Conceptual Consultation, all Workforce Housing project applications shall include a Design Review submission and consultation with the Planning Board, as outlined in NH RSA 676:II (b) & (c).
2. An application for a development that is intended to qualify as Workforce Housing under this ordinance shall file a written statement of such intent as part of their initial application per NH RSA 674:60-I.
3. Proposed preliminary architectural designs, site, and access layouts must be submitted as part of this review.
4. The application must include the rationale and approach to meeting Workforce Housing per NH RSA and these Ordinance requirements.
5. The application must include a list of potentially known conditional use permits (CUP), waivers, and variances needed, including justification of their necessity and effectiveness for the project and contributing to affordability as it applies to the Statute and Ordinance.

Final Application

1. The application shall include the statutory intent statement filing per NH RSA 674:60-I.
2. All impact fees shall be waived for those residential units that are approved as Workforce Housing, as defined in NH RSA 674:58, and with the applicable waiver requests included in the application at the time of final application submission to the Planning Board.
3. The applicant must submit a list of requested conditional use permits (CUP) needed, including justification of their necessity and effectiveness in contributing to affordability.

A CUP may not be granted by the Planning Board from the provisions of the Wetlands and Watershed Protection District (WWPD)(Section 601), Flood Plain District (Section 607), the Aquifer Protection District (Section 609), Historic District (Section 608), or Historic District Demolition Delay Ordinance (Section 719).

Conditional Use Permits may be granted by the Planning Board if:

- a) The Conditional Use Permit is necessary in ensuring that the Workforce Housing proposal is affordable;
 - b) The granting of the Conditional Use Permit will not cause negative public health or safety impacts;
 - c) The granting of the Conditional Use Permit will not harm the natural resource of the area; and
 - d) The granting of the Conditional Use Permit will not substantially limit the reasonable use of adjacent property
4. If Variances from Section 601, 607, 609, 608, or 719 of the Zoning Ordinance are required, the applicant can request and be granted a joint hearing of the Planning Board and Zoning Board of Adjustment.
 5. If review and approval from the Historic District of Sections 608 or 719 of the Zoning Ordinance are required, the applicant can request and be granted a joint hearing of the Planning Board and the Historic District Commission.
 6. The application must include the rationale and approach to meeting the definition of the Workforce Housing per the State requirements and this Ordinance.
 7. The Planning Board may request, at the expense of the applicant, review of project materials by development professionals that are selected and contracted by the Planning Board. These reviews may include (but not be limited) to subjects of traffic, drainage, density calculations, septic and water systems, fiscal, legal, landscaping, architectural, as well as others.
 8. The applicant must provide assurance of continued affordability for at least 30 years from the date of Planning Board final approval, or in accordance with State law, whichever is more restrictive. Assurances may include but are not limited to deed restrictions, restrictive covenants, and association documents. Drafts of all documents will be required for review at the time of final application.

Conditions of Approval

1. Deed restrictions, restrictive covenants, association documents, and other required legal work related to dwelling units established under this ordinance shall be reviewed by Town Counsel to ensure legal form, ownership and enforceability.
2. Deed restrictions, restrictive covenants, association documents, and other legal work related to dwelling units established under this ordinance shall be properly referenced on all plans filed with the Windham Planning Board and the Registry of Deeds.
3. Workforce Housing Units developed under this ordinance are to remain affordable for a time period no less than 30 years from the date of final Planning Board approval, or in accordance with State law, whichever is more restrictive.
4. In a mixed income development, the dwellings qualifying as Workforce Housing shall be made available for occupancy on approximately the same schedule as a project's market-rate units. A schedule setting forth the phasing of the total number of units shall be established prior to final approval by the Planning Board. Said schedule shall be filed at the Registry of Deeds, and be properly updated with the Town and Registry as a condition of release of building permits.
5. Other reasonable conditions or restrictions may be placed on the application as determined by the Planning board. All conditions and restrictions of approval will be provided in compliance with NH RSA 674:60(II).
6. The procedures and criteria outlined in NH RSA 674:60(III) regarding conditions and restrictions of the approval will be followed.

Development Standards

Unless otherwise outlined herein, developments shall meet the requirements of the Town of Windham Subdivision and Site Plan Regulations, as applicable.

Density:

- Total allowed unit density shall be determined by soil based lot sizing in accordance with the New Hampshire Code of Administrative Rules Chapter Env-Wq 1000 “Subdivision and Individual Sewage Disposal System Design Rules”. Certified High Intensity Soils Survey (HISS) Plans including certified soils testing data, certified topographic and wetlands plans, and detailed soil area plans and spreadsheets shall be utilized in the calculations.
- In a mixed income development where there are both market-rate and workforce housing units, a minimum of 45% of the dwellings must qualify as workforce housing. The Workforce Housing units should be interspersed throughout the overall development.

Dwelling units:

- The architecture should be complimentary and harmonious with abutting developments.
- In a mixed income development, the dwellings qualify as Workforce Housing shall be compatible in architectural style and appearance with the market rate dwellings within the proposed development.

Frontage, Setbacks and Yard Regulations:

Structures may be located in any manner on the site that meet this Ordinance’s requirements and objectives, and provided that the following dimensional standards are met:

- Building lots and proposed dwelling units within the project that have their frontage on existing public roads shall have frontages and front yard setbacks as required in the underlying zoning district.
- Building lots and proposed dwelling units within the site that abut other properties shall have the required building setbacks for the underlying zoning district along with the abutting property lines.
- In a Workforce Housing development, there shall be a minimal horizontal separation of 20 feet between duplex and single family detached buildings, and 35 feet from all others.

Layout

- The proposed plans shall show the location of buildings, amenities, common facilities, if any, on the property as well as those other developments abutting the property.
- The plans shall indicate the natural features such as open fields, water features, woodlands, wetlands, trails, stone walls, and known historic features.
- All utilities and municipal/private infrastructure shall be shown.

Roads

- All proposed Town roads within a Workforce Housing development shall be constructed and provided to Town standards. Alternatively, development accesses can be provided by private roads and/or drives and shall meet all applicable standards for development and be privately owned and maintained.
- Collector roads shall have a minimum right-of-way and road width in accordance with current subdivision regulations. However, collector road widths should not exceed the width of the existing road if it is a continuation of that road.
- Secondary Roads may be ended in a turnaround or turning stub, with maximum road length in accordance with current subdivision regulations. The minimal geometry allowed for the end configuration shall meet minimum emergency access vehicle criteria. The minimum paved width for a secondary road shall be twenty-two feet (22 ft).
- All roads and access ways shall be designed to meet current AASHTO (American Association of State Highway and Transportation Officials) standards.

Water and Waste Treatment Systems:

- The development may be served by common water and waste water systems and/or individual systems, either off site or onsite, and include applicable easements and service intents as required by State Permitting.
- Wells and waste water systems shall have a protective radii and nitrate setbacks as required by the State of New Hampshire and the Town of Windham NH and/or evidence of approvable waivers as may be required by jurisdictional authorities.
- Any wastewater treatment system or backup system shall have appropriate state approval.

Appeals

An applicant who has filed a Workforce Housing proposal that is denied or is approved with conditions or restrictions which has a substantial adverse effect on the viability of the proposed development may appeal the action to the Superior Court under NH RSA 677:4 or 677:15, as outlined in NH RSA 674:61.

Not Recommended by Planning Board (5-2)

Citizen Petition #4. Petition of Jill Reiff and others to formally request a zoning change for a portion of lots 18-L-300, 18-L-450, 18-L-400, and 18-L-480 from Professional Business and Technology District to Business Commercial District "A." The zoning will keep existing 100' Residence "A" buffer from lots 18-L-475, 18-L-380, 18-L-383, 18-L-384, 18-L-102, 18-L-103, 18-L-104, and 18-L-105. The remainder of the lot shall be changed to Business Commercial District "A" to enable the parcels to be zoned in a manner consistent with the creation of the new Route 111.

Not Recommended by Planning Board (7-0)

ARTICLE 4. To see if the Town will vote to raise and appropriate the sum of Nine Hundred Sixty thousand, and no 100ths (\$960,000.00) Dollars for the purpose of engineering and constructing a highway facility including salt shed, garage, and associated site improvements on the Town owned property 11-A-300 (land next to the Transfer Station) and to authorize the withdrawal of \$350,000 from the Capital Reserve Fund established for this purpose and to be applied towards funds raised and appropriated, with the balance of \$610,000 to come from general taxation. Further to authorize the Board of Selectmen to apply any federal, state or private funds made available therefore toward the cost of the project. This will be a non-lapsing account per RSA 32:7, VI and will not lapse for a period of three (3) years. This article is part of the Capital Improvement Program.

Recommended by Board of Selectmen (4-0)

ARTICLE 5. To see if the Town will vote to raise and appropriate the sum of \$30,000 to be added to the Property Maintenance Expendable Trust Fund.

Recommended by Board of Selectmen (4-0)

ARTICLE 6. To see if the Town will vote to ratify the latest negotiated collective bargaining agreement entered into by the Selectmen and Local Union 3657 AFSCME (Police Union) for the period April 1, 2010 to March 31, 2011 under the terms and conditions of said contract which is to expire on March 31, 2011. Note that no additional monies are required beyond that which is already included in the Operating Budget, Article 15, those monies representing the funds needed to provide the same level and types of benefits, retirement, and step increases to those eligible under the current wage scale (the latter totaling \$12,350). Pursuant to RSA 273-A:12, if approved, the terms of this collective bargaining agreement, including the pay plan, but excluding cost of living increases, will continue in force and effect until a new agreement is executed.

Recommended by Board of Selectmen (4-0)

ARTICLE 7. To see if the Town will vote to ratify the latest negotiated collective bargaining agreement entered into by the Selectmen and Local Union 1801 AFSCME (Municipal Union) for the period April 1, 2010 to March 31, 2011 under the terms and conditions of said contract which is to expire on March 31, 2011. Note that no additional monies are required beyond that which is already included in the Operating Budget, Article 15, those monies representing the funds needed to provide the same level and types of benefits, retirement, and step increases to those eligible under the current wage scale (the latter totaling \$6,270). Pursuant to RSA 273-A:12, if approved, the terms of this collective bargaining agreement, including the pay plan, but excluding cost of living increases, will continue in force and effect until a new agreement is executed.

Recommended by Board of Selectmen (4-0)

ARTICLE 8. To see if the Town will vote to raise and appropriate the sum of \$20,000, said amount to be withdrawn from the balance in the previously established Searles Special Revenue Fund for payment of both marketing related and maintenance related costs. Approval of this article will have no additional impact on the tax rate.

Recommended by Board of Selectmen (4-0)

ARTICLE 9. To see if the Town will vote to raise and appropriate the sum of \$12,160, said amount to be withdrawn from the balance in the previously established Searles Special Revenue Fund for the purposes of paying the principal and interest on the outstanding loan taken to fund renovations and repairs to the West wing of the building in 2003. Should this article pass, the debt service account in the approved operating budget from Article 15 will be reduced by a sum \$12,160. Approval of this article will have no additional impact to the tax rate.

Recommended by Board of Selectmen (4-0)

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of \$2,350 for the Conservation Commission, and authorize the Selectmen to transfer all unexpended Conservation Commission funds as of December 31, 2010 to the Conservation Fund in accordance with RSA 36-A:5.

Recommended by Board of Selectmen (4-0)

ARTICLE 11. Shall we permit the public library to retain all money it receives from its income-generating equipment to be used for general repairs and upgrading and for the purchase of books, supplies and income-generating equipment?

Recommended by Board of Selectmen (5-0)

ARTICLE 12. Shall the town modify an Exemption for the elderly under the provisions of RSA 72:39-b as follows: for a person 65 years of age up to 75 years, \$160,000; for a person 75 years of age up to 80 years, \$190,000; for a person 80 years of age or older, totally exempt. To qualify, the person must have been a New Hampshire resident for at least 3 consecutive years and own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married for at least 5 consecutive years. In addition, the taxpayer must have a net income of not more than \$45,000, or if married, a combined net income of less than \$55,000; and own net assets not in excess of \$160,000 excluding the value of the person's residence as described in RSA 72:39-a (I).

Recommended by Board of Selectmen (4-0)

ARTICLE 13. By Petition of Richard Horrigan and others "To see if the Town will vote to discontinue Wyman Road, an abandoned Class V road, in its entirety.

Recommended by Board of Selectmen (4-0)

ARTICLE 14. By Petition of Jeff Spanos and others "To see if the Town will vote to approve the following resolution to be forwarded to our State Representative(s), our State Senator, the Speaker of the House, and the Senate President. Resolved: The citizens of New Hampshire should be allowed to vote on an amendment to the New Hampshire Constitution that defines "marriage".

Recommended by Board of Selectmen (3-1)

ARTICLE 15. Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$11,881,965. Should this article be defeated, the operating budget shall be \$11,995,139 which is the same as last year, with certain adjustments required by previous action of the town, or by law, or the governing body may hold one special meeting in accordance with RSA 40:13 X and XVI to take up the issue of a revised operating budget only. * If Article 9 of this warrant passes, this article will be reduced by \$12,160 (Long Term Debt line).

Town Officers' Salaries	\$ 3,690
Administration	503,480
Town Clerk Expenses	209,800
Tax Collector Expenses	161,850
Election and Registration	19,600
Cemeteries	47,000
General Gov't Buildings	482,370
Appraisal of Properties	196,730
Information Technologies	175,680
Town Museum	5
Searles Building	14,340
Legal Expenses	52,400
Retirement	2,500
Insurance	248,805
Contracted Services	5
Police Department	2,333,740
Dispatching	470,690
Fire Department	2,699,245
Emergency Management	8,070
Community Development	448,130
Town Highway Maintenance	1,177,770
Street Lighting	13,490
Solid Waste Disposal	879,890
Health and Human Services	84,295
Animal Control	20,455
General Assistance	57,040
Library	975,260
Recreation	186,115
Historic Commission	1,000
Senior Center	6,420
Cable TV Expenses	89,440
Interest Expenses (TANs)	500
Long Term Debt	12,160
<i>(Principal \$10,400 and Interest \$1,760.00)</i>	
Capital Outlay – Roads (Part of CIP)	300,000

Recommended by Board of Selectmen (4-0)

***Note:** Warrant Article 15 (operating budget does not include appropriations proposed under any other warrant articles).

Given under our hands and seal, this 25th day of January, in the year of our Lord two thousand and ten.

Galen A. Stearns

Bruce R. Breton

Roger T. Hohenberger

Charles E. McMahan

Ross McLeod

Board of Selectmen, Town of Windham

BUDGET OF THE TOWN OF WINDHAM, NH

APPROPRIATIONS AND ESTIMATES OF REVENUE JANUARY 1, 2010 TO DECEMBER 31, 2010

PURPOSES OF APPROPRIATION	Actual Appropriations Year 2009	Actual Expenditures For 2009*	Appropriations Ensuing Fiscal Year 2010
<i>* 2009 Expenditures do not reflect encumbrances to 2010.</i>			
<u>GENERAL GOVERNMENT</u>			
Town Officers' Salaries	\$ 9,790.00	\$ 9,527.00	\$ 3,690.00
Administration	522,560.00	506,277.00	503,480.00
Town Clerk's Expenses	198,480.00	196,824.00	209,800.00
Tax Collector's Expenses	161,680.00	156,096.00	161,850.00
Election & Registration	15,880.00	12,585.00	19,600.00
Cemeteries	49,020.00	43,165.00	47,000.00
General Gov't Bldgs	480,290.00	482,722.00	482,370.00
Appraisal of Property	195,700.00	192,671.00	196,730.00
Information Technology	179,080.00	175,223.00	175,680.00
Town Museum	5.00	0.00	5.00
Searles Building	20,150.00	9,390.00	14,340.00
Legal Expenses	52,400.00	78,830.00	52,400.00
Retirement & Pension	2,500.00	0.00	2,500.00
Insurance	261,520.00	254,949.00	248,805.00
<u>PUBLIC SAFETY</u>			
Contracted Police Services	5.00	0.00	5.00
Police Department	2,359,750.00	2,219,202.00	2,333,740.00
Dispatching	459,185.00	442,936.00	470,690.00
Fire Department	2,650,915.00	2,621,905.00	2,699,245.00
Emergency Management	9,640.00	3,571.00	8,070.00
Community Development	492,655.00	430,872.00	448,130.00
Town Maintenance	1,206,150.00	1,166,366.00	1,177,770.00
Street Lighting	13,740.00	14,292.00	13,490.00
<u>SANITATION</u>			
Solid Waste Disposal	994,010.00	981,378.00	879,890.00
<u>HEALTH</u>			
Health & Human Services	84,295.00	82,930.00	84,295.00
Animal Control	20,455.00	20,314.00	20,455.00
<u>WELFARE</u>			
General Assistance	57,040.00	53,650.00	57,040.00
<u>CULTURE AND RECREATION</u>			
Library	986,460.00	955,371.00	975,260.00
Recreation	189,045.00	179,752.00	186,115.00
Historic Commission	1,000.00	721.00	1,000.00
Conservation Commission	2,350.00	2,350.00	2,350.00
Senior Center	7,210.00	6,592.00	6,420.00
Cable TV Expenses	79,010.00	78,209.00	89,440.00

BUDGET OF THE TOWN OF WINDHAM, NH

PURPOSES OF APPROPRIATION	Actual Appropriations Year 2009	Actual Expenditures For 2009*	Appropriations Ensuing Fiscal Year 2010
<u>DEBT SERVICE</u>			
Long Term Notes - P & I *	248,849.00	248,849.00	12,160.00
Tax Anticipation Note - Interest	500.00	1,456.00	500.00
<u>CAPITAL OUTLAY</u>			
Road Improvements	300,000.00	1,186,161.00 X	300,000.00
Transfer Trailer	0.00	0.00	0.00
Transfer Trailer	0.00	0.00	0.00
Library Renovations	0.00	37,200.00	0.00
Bartley House Renovations	0.00	0.00	0.00
Castle Hill Bridge Construction	0.00	490,837.00	0.00
Lowell Rd Bike Path	0.00	0.00	0.00
Depot Improvements	176,000.00	44,703.00	0.00
Ambulance	155,000.00	155,000.00	0.00
Salt Shed/Highway Garage Construction	0.00	0.00	960,000.00
<u>OPERATING TRANSFERS OUT</u>			
Salt Shed Capital Reserve	0.00	0.00	0.00
Fire Apparatus Capital Reserve	0.00	0.00	0.00
<u>TRUST ACCOUNTS</u>			
Trust - Health	0.00	0.00	0.00
Trust - Property	30,000.00	30,000.00	30,000.00
Trust - Earntime	0.00	0.00	0.00
Trust - Museum	0.00	0.00	0.00
<u>SPECIAL ARTICLES</u>			
Searles Revenue Fund	20,000	13,874.00	20,000.00
	-	0.00	-
	-	0.00	-
	-	0.00	-
	-	0.00	-
TOTAL APPROPRIATION	\$ 12,692,319.00	\$ 13,586,750.00	\$ 12,894,315.00
<i>Totals with these articles added:</i>	\$ 12,692,319.00	\$ 13,586,750.00	\$ 12,894,315.00
	\$ 12,512,159.00 (1)	(2) \$	12,512,155.00

(x) - Total 2009 expenses under Capital Outlay-Road Improvements of \$1,186,161 were offset by revenues from other sources totaling (\$862,118) for a net total expense of \$324,043, plus \$56,700 encumbered in 2009 to be carried over to 2010. These other sources were \$750,000 from donations, \$67,266 from Emergency Response funds and \$44,852 from offsite exaction fees.

* \$12,160 for use of Searles Fund to pay bond payment is reflected in the debt services line item. Assuming approval of the separate article, \$12,160 will be deducted from the operating budget.

(1) Indicates 2009 proposed appropriations less \$12,160 withdrawn from the Searles Revenue Fund to pay for the Searles bond, \$20,000 from Searles for marketing and maintenance costs, and \$148,000 from State Grant for the Depot Renovations.

(2) Indicates 2010 proposed appropriations less \$12,160 withdrawn from the Searles Revenue Fund to pay for the Searles bond, \$20,000 from Searles for marketing and maintenance costs, \$350,000 withdrawn from Salt Shed Capital Reserve Fund and \$0 in proceeds from the issuance of bonds.

BUDGET OF THE TOWN OF WINDHAM, NH

SOURCES OF REVENUE	Estimated Revenue 2009	Actual Revenue 2009	Estimated Revenue 2010
<u>TAXES</u>			
Yield Tax	\$ 3,079.00	\$ 3,079.00	\$ 1,200.00
Interest & Penalties on Taxes	154,100.00	173,370.00	160,800.00
Land Use Change Tax	0.00	0.00	0.00
Boat Taxes	10,200.00	11,026.00	11,000.00
<u>INTERGOVERNMENTAL REVENUES</u>			
Shared Revenue - Block Grant	0.00	0.00	0.00
Highway Block Grant	256,964.00	256,964.00	278,252.00
Others/Roads/EM (State)	53,412.00	54,444.00	2,500.00
Others/Grants (Federal)	0.00	0.00	0.00
Rooms and Meals	573,334.00	573,334.00	560,000.00
<u>LICENSES AND PERMITS</u>			
M V Permit Fees	2,580,000.00	2,600,433.00	2,600,000.00
Building Permits	100,000.00	109,840.00	100,000.00
Other Licenses and Permits	50,950.00	56,220.00	51,850.00
<u>CHARGES FOR SERVICES</u>			
Income from Departments	296,267.00	347,586.00	328,350.00
Cable TV Fees	350,000.00	353,672.00	192,000.00
<u>MISCELLANEOUS REVENUES</u>			
Interest on Deposits	40,000.00	36,797.00	40,000.00
Other Miscellaneous Revenues	179,775.00	190,332.00	124,520.00
Sale of Town Property	40,295.00	40,830.00	500.00
<u>OTHER FINANCING SOURCES</u>			
Capital Reserve Funds	0.00	0.00	350,000.00
Income from Trust Funds	1,017.00	1,017.00	560.00
Income from Revenue Funds	32,160.00	32,160.00	32,160.00
Income from Other Sources	148,000.00	35,403.00	200,000.00
Proceeds from Bond Interest	0.00	0.00	0.00
Proceeds from Bonds	0.00	0.00	0.00
TOTAL REVENUES AND CREDITS	\$ 4,869,553.00	\$ 4,876,507.00	\$ 5,033,692.00
<u>Petitioned Articles</u>			
None submitted for 2010	\$ -	\$ -	\$ -
<i>Totals with these articles added:</i>	\$ 4,869,553.00	\$ 4,876,507.00	\$ 5,033,692.00

BUDGET DETAIL 2010

BUDGET ITEM	Appropriations Fiscal Year 2009	2009 Actual Expenditures*	Appropriations Ensuing for Fiscal Year 2010	Increase/ (Decrease)
<i>* 2009 Expenditures do not reflect encumbrances to 2010.</i>				
<u>TOWN OFFICERS' SALARIES</u>	(ARTICLE 15)			
Selectmen	\$ 6,100	\$ 6,000	\$ 0	(6,100)
Treasurer	2,500	2,500	2,500	0
Deputy Treasurer	150	0	150	0
Trustee, Trust Funds	350	350	350	0
Social Security	560	549	560	0
Medicare	130	128	130	0
TOTALS	9,790	9,527	3,690	(6,100)
<u>ADMINISTRATION</u>	(ARTICLE 15)			
Regular Salaries	\$ 296,640	\$ 295,902	\$ 285,400	(11,240)
Overtime Salaries	4,690	4,178	4,680	(10)
State Retirement Municipal	25,930	26,418	26,570	640
Supplemental Retirement	13,290	12,000	13,260	(30)
Social Security	0	0	0	0
Group Insurance-Health	71,215	71,213	71,660	445
Group Insurance-Life & Disability	5,400	4,828	5,720	320
Group Insurance-Dental	4,490	4,497	4,740	250
Medicare	3,405	3,133	3,400	(5)
Audit	13,920	9,920	11,810	(2,110)
Town Report	9,000	9,784	9,500	500
Office Supplies	3,240	3,536	3,240	0
Computer Supplies	3,740	3,120	2,100	(1,640)
Mileage	600	529	600	0
Postage	16,310	14,064	16,820	510
Postage Machine	2,580	2,996	2,580	0
Legal Ads	4,000	1,976	4,000	0
Equipment	4,050	2,336	1,300	(2,750)
Equipment Maintenance	2,200	2,301	1,500	(700)
Dues and Meetings	15,340	14,232	15,260	(80)
Recruitment Expenses	0	36	0	0
Miscellaneous	4,800	4,562	4,500	(300)
Stormwater Compliance	500	0	500	0
Committee Expenses	0	0	0	0
Employee Health	590	128	590	0
Telephone	8,630	8,147	8,210	(420)
Electricity	2,300	2,911	3,070	770
Heat	5,700	3,530	2,470	(3,230)
TOTALS	522,560	506,277	503,480	(19,080)
<u>TOWN CLERK'S EXPENSES</u>	(ARTICLE 15)			
Regular Salaries	\$ 72,650	\$ 69,866	\$ 77,120	4,470
State Retirement Municipal	6,690	6,272	7,050	360
Supplemental Retirement	2,910	1,802	2,960	50
Social Security	5,000	4,666	5,000	0
Group Insurance-Health	15,650	18,912	23,620	7,970
Group Insurance-Life & Disability	1,390	1,151	1,300	(90)
Group Insurance-Dental	860	1,332	1,300	440

BUDGET DETAIL 2010

BUDGET ITEM	Appropriations Fiscal Year 2009	2009 Actual Expenditures*	Appropriations Ensuing for Fiscal Year 2010	Increase/ (Decrease)
Medicare	2,350	2,035	2,240	(110)
Elected Official Fees	77,330	75,246	77,330	0
Office Supplies	2,280	3,920	2,280	0
Computer Supplies	1,360	1,863	990	(370)
Office Equipment	0	0	600	600
Dog License Fees	7,000	7,442	7,000	0
Dues and Meetings	1,010	1,003	1,010	0
Recruitment Expenses	0	0	0	0
Preservation of Records	2,000	1,314	0	(2,000)
TOTALS	198,480	196,824	209,800	11,320
<u>TAX COLLECTOR'S EXPENSES</u>				
	(ARTICLE 15)			
Regular Salaries	\$ 95,640	\$ 94,494	\$ 96,420	780
Overtime Salaries	3,470	3,272	3,460	(10)
State Retirement Municipal	5,350	5,367	5,550	200
Supplemental Retirement	4,800	4,778	4,840	40
Social Security	2,220	2,042	2,220	0
Group Insurance-Health	31,300	31,302	31,500	200
Group Insurance-Life & Disability	1,710	1,512	1,610	(100)
Group Insurance-Dental	1,610	1,609	1,700	90
Medicare	1,460	1,289	1,430	(30)
Title Searches	3,000	1,816	2,500	(500)
Office Supplies	700	1,113	700	0
Computer Supplies	7,320	7,009	7,320	0
Registry of Deeds	1,500	473	1,000	(500)
Petty Cash	100	0	100	0
Dues and Meetings	1,500	20	1,500	0
Recruitment Expenses	0	0	0	0
TOTALS	161,680	156,096	161,850	170
<u>ELECTION AND REGISTRATION</u>				
	(ARTICLE 15)			
Regular Salaries	0	0	0	0
Elected Official Fees	3,560	3,291	5,530	1,970
Ballot Clerk Fees	1,060	1,767	2,810	1,750
Social Security	370	211	370	0
Medicare	90	46	90	0
Voter Checklists	500	518	500	0
Ballots	9,000	5,886	9,000	0
Equipment	0	0	0	0
Equipment Maintenance	1,000	562	1,000	0
Miscellaneous Expenses	300	304	300	0
TOTALS	15,880	12,585	19,600	3,720
<u>CEMETERIES</u>				
	(ARTICLE 15)			
Groundskeeping	\$ 30,020	\$ 27,000	\$ 28,000	(2,020)
Office Supplies	400	308	400	0
Property Maintenance	22,200 (1)	14,229	17,000	(5,200)
Patriotic Purposes	1,000	1,149	1,000	0
Miscellaneous Expenses	200	164	200	0
Electricity	400	315	400	0
TOTAL	54,220	43,165	47,000	(7,220)

BUDGET DETAIL 2010

BUDGET ITEM	Appropriations Fiscal Year 2009	2009 Actual Expenditures*	Appropriations Ensuing for Fiscal Year 2010	Increase/ (Decrease)
(1) includes 2008 carryover of \$5,200	49,020			(2,020)
<u>GENERAL GOVERNMENT BLDINGS</u>	(ARTICLE 15)			
Regular Salaries	\$ 212,180	\$ 210,262	\$ 215,080	2,900
Overtime Salaries	1,720	813	1,720	0
State Retirement Municipal	19,030	19,497	19,860	830
Supplemental Retirement	10,670	10,954	10,840	170
Social Security	0	0	0	0
Group Insurance-Health	57,910	68,474	79,530	21,620
Group Insurance-Life & Disability	4,010	3,633	3,690	(320)
Group Insurance-Dental	6,280	4,251	5,200	(1,080)
Medicare	3,130	2,888	3,140	10
Groundskeeping	95,870	90,126	78,280	(17,590)
Property Maintenance	27,334 (1)	34,545	26,350	(984)
Clothing Allowance	2,000	2,000	2,000	0
Mileage	1,800	1,436	1,800	0
Equipment	1,750	1,020	1,750	0
Vehicle Fuel	3,820	2,465	1,500	(2,320)
Vehicle Maintenance	5,000	2,829	5,000	0
Equipment Maintenance	5,000	7,123	5,000	0
Recruitment Expenses	0	0	0	0
Telephone	2,180	2,604	2,210	30
Electricity	12,640	13,068	14,510	1,870
Heat	8,250	4,734	4,910	(3,340)
TOTALS	480,574	482,722	482,370	1,796
(1) includes 2008 carryover of \$284	480,290			2,080
<u>APPRAISAL OF PROPERTIES</u>	(ARTICLE 15)			
Regular Salaries	\$ 122,040	\$ 120,936	\$ 122,120	80
State Retirement Municipal	10,880	11,037	11,190	310
Supplemental Retirement	6,100	6,102	6,110	10
Group Insurance-Health	42,260	42,258	42,520	260
Group Insurance-Life & Disability	2,310	2,116	2,100	(210)
Group Insurance-Dental	2,710	2,710	2,860	150
Medicare	1,780	1,603	1,770	(10)
Contracted Services	600	462	1,040	440
Office Supplies	1,280	1,351	1,280	0
Computer Supplies	1,500	1,098	1,500	0
Training	1,200	410	1,200	0
Mileage	300	541	300	0
Registry of Deeds	1,000	1,009	1,000	0
Equipment	250	141	250	0
Dues & Meetings	1,090	510	1,090	0
Recruitment Expenses	0	0	0	0
Telephone	400	387	400	0
TOTALS	195,700	192,671	196,730	1,030
<u>INFORMATION TECHNOLOGY</u>	(ARTICLE 15)			
Regular Salaries	\$ 81,450	\$ 80,001	\$ 81,250	(200)
State Retirement Municipal	7,260	7,237	7,440	180

BUDGET DETAIL 2010

BUDGET ITEM	Appropriations Fiscal Year 2009	2009 Actual Expenditures*	Appropriations Ensuing for Fiscal Year 2010	Increase/ (Decrease)
Supplemental Retirement	4,070	4,039	4,060	(10)
Group Insurance-Health	21,130	21,129	21,260	130
Group Insurance-Life & Disability	1,540	1,396	1,400	(140)
Group Insurance-Dental	1,350	1,355	1,430	80
Medicare	1,180	1,081	1,180	0
Service Agreements	41,400	38,722	44,660	3,260
Equipment/Software	7,400	7,172	3,200	(4,200)
Equipment Maintenance	3,500	4,243	3,000	(500)
Recruitment Expenses	0	0	0	0
GIS	11,400 (1)	8,102	5,900	(5,500)
Miscellaneous	480	377	480	0
Telephone	420	369	420	0
TOTALS	182,580	175,223	175,680	(6,900)
(1) includes 2008 carryover of \$3,500	179,080			(3,400)
 <u>TOWN MUSEUM</u>				
	(ARTICLE 15)			
Equipment	5	0	5	0
TOTALS	5	0	5	0
 <u>SEARLES BUILDING</u>				
	(ARTICLE 15)			
Social Security	\$ 0	\$ 0	\$ 0	0
Medicare	0	0	0	0
Property Maintenance	2,500	1,798	2,500	0
Telephone	1,680	1,402	1,680	0
Electricity	4,770	2,763	2,970	(1,800)
Heat	11,200	3,427	7,190	(4,010)
TOTALS	20,150	9,390	14,340	(5,810)
 <u>LEGAL EXPENSES</u>				
	(ARTICLE 15)			
Other Lawfirms	\$ 44,400	\$ 69,558	\$ 47,400	3,000
Union Legal Fees	8,000	9,272	5,000	(3,000)
TOTALS	52,400	78,830	52,400	0
 <u>CONTRACTED POLICE SERVICES</u>				
	(ARTICLE 15)			
Regular Contracted	\$ 5	\$ 0	\$ 5	0
 <u>POLICE DEPARTMENT</u>				
	(ARTICLE 15)			
Regular Salaries	\$ 1,276,370	\$ 1,139,188	\$ 1,266,005	(10,365)
Overtime	117,730	167,839	114,160	(3,570)
Holiday Pay	59,630	61,373	59,420	(210)
State Retirement Municipal	9,890	9,972	10,170	280
State Retirement Police	168,250	169,887	190,620	22,370
Supplemental Retirement	7,010	6,744	7,010	0
Social Security	1,750	1,788	1,810	60
Group Insurance-Health	363,110	339,553	355,800	(7,310)
Group Insurance-Life & Disability	22,440	17,386	19,925	(2,515)
Group Insurance-Dental	21,430	20,050	22,150	720
Medicare	22,100	19,996	21,810	(290)
Office Supplies	4,000	5,023	4,000	0
Computer Supplies	1,500	1,290	1,500	0
Property Maintenance	2,500	9,580	2,500	0
Investigations	3,670	3,504	3,760	90

BUDGET DETAIL 2010

BUDGET ITEM	Appropriations Fiscal Year 2009	2009 Actual Expenditures*	Appropriations Ensuing for Fiscal Year 2010	Increase/ (Decrease)
Training	32,220	34,880	35,080	2,860
Firearm Training/Ammunition	32,690	31,359	30,870	(1,820)
Clothing Allowance	15,750	17,211	15,750	0
Vehicle Equipment	44,170	44,232	44,170	0
Equipment	13,400	3,053	6,560	(6,840)
Vehicle Fuel	53,380	27,519	32,060	(21,320)
Vehicle Maintenance	13,330	14,557	13,330	0
Equipment Maintenance	12,050	17,359	11,900	(150)
Radio Commun/Maint.	16,550	14,680	21,650	5,100
Safety Division	2,000	1,670	2,000	0
Recruitment Expenses	0	3,054	0	0
Miscellaneous	2,000	1,662	2,000	0
Employee Health	550	0	550	0
Telephone	9,990	9,193	10,400	410
Electricity	21,130	19,463	20,020	(1,110)
Heat	9,160	6,137	6,760	(2,400)
TOTALS	2,359,750	2,219,202	2,333,740	(26,010)
<u>DISPATCHING</u>				
	(ARTICLE 15)			
Regular Salaries	\$ 222,350	\$ 219,635	\$ 225,020	2,670
Overtime	30,160	25,048	30,450	290
Holiday	16,850	15,508	18,800	1,950
Extra Shift	16,860	16,371	16,820	(40)
State Retirement Municipal	24,340	23,387	25,360	1,020
Supplemental Retirement	13,470	13,136	13,840	370
Social Security	1,035	1,080	1,050	15
Group Insurance-Health	60,260	60,257	60,640	380
Group Insurance-Life & Disability	4,100	3,548	3,800	(300)
Group Insurance-Dental	3,450	3,454	3,640	190
Medicare	4,170	3,842	4,190	20
Contracted Services	51,090	51,090	56,200	5,110
Training	6,040	3,200	6,080	40
Clothing Allowance	2,500	2,000	2,500	0
Equipment	1,610	508	1,400	(210)
Recruitment Expenses	0	0	0	0
Telephone	900	872	900	0
TOTALS	459,185	442,936	470,690	11,505
<u>FIRE DEPARTMENT</u>				
	(ARTICLE 15)			
Regular Salaries	\$ 1,264,290	\$ 1,330,831	\$ 1,378,110	113,820
Overtime	246,215	248,958	244,470	(1,745)
Holidays	57,430	57,754	58,160	730
Callmen	37,500	15,196	20,000	(17,500)
State Retirement Municipal	3,420	3,856	3,710	290
State Retirement Fire	260,070	276,536	296,030	35,960
Supplemental Retirement	1,920	2,151	2,020	100
Social Security	2,325	1,554	2,325	0
Group Insurance-Health	423,970	395,156	390,330	(33,640)
Group Insurance-Life & Disability	24,090	21,485	22,560	(1,530)
Group Insurance-Dental	25,370	24,128	25,540	170
Medicare	21,790	20,509	21,860	70

BUDGET DETAIL 2010

BUDGET ITEM	Appropriations		Appropriations	
	Fiscal Year 2009	2009 Actual Expenditures*	Ensuing for Fiscal Year 2010	Increase/ (Decrease)
Accident Insurance for Call Firefighters	1,125	1,064	1,125	0
Contracted Services	0	0	0	0
Property Maintenance	8,350	7,793	7,700	(650)
Training	53,810	31,199	39,140	(14,670)
Clothing Allowance	13,600	11,301	16,600	3,000
Prevention/Investigation	5,000	3,406	5,000	0
Ambulance Operation	17,550	16,850	17,550	0
Vehicle Equipment	21,130	21,125	21,130	0
Office Equipment	3,400	3,212	3,400	0
Fire Equipment	11,960	10,702	5,480	(6,480)
Equip. - Radios/Pagers	2,000	994	1,000	(1,000)
Ambulance Equipment	4,250	4,016	750	(3,500)
Vehicle Fuel	34,030	21,864	22,800	(11,230)
Vehicle Maintenance	33,625 (1)	35,550	30,500	(3,125)
Hydrant / Water Supply	2,000	0	2,000	0
Communication Maintenance	6,280	3,714	6,280	0
Dues and Meetings	1,200	414	1,200	0
Recruitment Expenses	0	595	0	0
Miscellaneous	5,300	5,244	500	(4,800)
Employee Health	3,340	900	3,340	0
Hazardous Materials District	6,000	6,125	6,125	125
Telephone	6,590	6,224	6,590	0
Electricity	25,100	22,692	23,560	(1,540)
Heat	19,430	8,807	12,360	(7,070)
TOTALS	2,653,460	2,621,905	2,699,245	45,785
(1) includes 2008 carryover of \$2,545	2,650,915			48,330
EMERGENCY MANAGEMENT (ARTICLE 15)				
Social Security	\$ 130	\$ 68	\$ 130	0
Medicare	30	16	30	0
Emergency Operations Center Exp	3,340	1,462	3,040	(300)
Field Expenses	1,000	0	1,000	0
Shelter Expenses	750	0	750	0
Administrative Expenses	4,390	2,025	3,120	(1,270)
TOTALS	9,640	3,571	8,070	(1,570)
COMMUNITY DEVELOPMENT (ARTICLE 15)				
Regular Salaries	\$ 315,565	\$ 282,711	\$ 299,630	(15,935)
Overtime Salaries	7,010	6,098	6,990	(20)
State Retirement Municipal	22,300	19,985	21,710	(590)
Supplemental Retirement	14,450	10,760	12,970	(1,480)
Social Security	5,780	4,095	4,390	(1,390)
Group Insurance-Health	68,080	55,692	52,760	(15,320)
Group Insurance-Life & Disability	4,610	3,048	3,930	(680)
Group Insurance-Dental	3,770	2,756	3,190	(580)
Medicare	4,690	4,071	4,460	(230)
Regional Planning	10,550	10,547	10,620	70
Contracted Services	0	2,446	0	0
Office Supplies	3,000	2,383	3,000	0
Property Maintenance	1,000	1,850	1,000	0
Training	3,500	1,957	3,500	0

BUDGET DETAIL 2010

BUDGET ITEM	Appropriations Fiscal Year 2009	2009 Actual Expenditures*	Appropriations Ensuing for Fiscal Year 2010	Increase/ (Decrease)
Clothing Allowance	700	380	500	(200)
Legal Ads	3,500	3,023	3,500	0
Vehicle Equipment	0	0	0	0
Office Equipment	3,156 (1)	2,910	1,000	(2,156)
Vehicle Fuel	2,760	1,333	1,360	(1,400)
Recruitment Expenses	0	1,912	0	0
Miscellaneous	320	383	400	80
Employee Health	260	320	150	(110)
Telephone	4,220	3,871	3,830	(390)
Electricity	5,670	4,926	5,000	(670)
Heat	9,920	3,415	4,240	(5,680)
TOTALS	494,811	430,872	448,130	(46,681)
(1) includes 2008 carryover of \$2,156	492,655			(44,525)

HIGHWAYS, STREETS & BRIDGES

(ARTICLE 15)

Regular Salaries	\$ 162,430	\$ 144,655	\$ 161,720	(710)
Overtime	9,390	8,036	9,370	(20)
State Retirement Municipal	15,350	14,184	15,660	310
Supplemental Retirement	8,610	7,921	8,550	(60)
Social Security	220	834	220	0
Group Insurance-Health	52,430	39,692	42,010	(10,420)
Group Insurance-Life & Disability	3,080	2,509	2,760	(320)
Group Insurance-Dental	2,960	2,950	3,710	750
Medicare	2,640	2,354	2,790	150
Contracted Services - Summer	568,187 (1)	550,616	544,680	(23,507)
Contracted Services - Winter	168,000	163,147	168,000	0
Materials	113,300	111,424	97,190	(16,110)
Clothing Allowance	1,200	1,000	1,200	0
Vehicle Equipment	79,720	69,100	74,720	(5,000)
Equipment	6,000	3,669	6,000	0
Vehicle Fuel	20,620	18,067	17,670	(2,950)
Vehicle Maintenance	18,000	22,846	18,000	0
Recruitment Expenses	0	320	0	0
Miscellaneous	1,000	910	1,000	0
Telephone	1,560	1,300	1,560	0
Electricity	960	832	960	0
TOTALS	1,235,657	1,166,366	1,177,770	(57,887)
(1) includes 2008 carryover of \$29,507	1,206,150			(28,380)

STREET LIGHTS

(ARTICLE 15)

Granite State Electric	\$ 3,500	\$ 3,043	\$ 3,170	(330)
Public Service Company	9,940	10,416	10,020	80
Installations	300	833	300	0
TOTALS	13,740	14,292	13,490	(250)

SOLID WASTE DISPOSAL

(ARTICLE 15)

Regular Salaries	\$ 287,220	\$ 304,791	\$ 270,890	(16,330)
Overtime	3,370	8,680	10,230	6,860
Holiday	4,170	3,948	4,390	220
State Retirement Municipal	26,410	28,851	26,130	(280)

BUDGET DETAIL 2010

BUDGET ITEM	Appropriations		Appropriations	
	Fiscal Year 2009	2009 Actual Expenditures*	Ensuing for Fiscal Year 2010	Increase/ (Decrease)
Supplemental Retirement	15,570	11,872	12,230	(3,340)
Social Security	0	26	0	0
Group Insurance-Health	84,040	79,987	76,660	(7,380)
Group Insurance-Life & Disability	5,460	4,792	4,630	(830)
Group Insurance-Dental	6,280	5,941	4,740	(1,540)
Medicare	3,570	3,822	4,130	560
Employee Health	500	205	500	0
Contracted Services	2,700	500	0	(2,700)
Site Monitoring	5,350	4,169	5,580	230
Tire Removal	4,500	2,524	3,150	(1,350)
Scrap Metal	1,690	4,841	1,650	(40)
Waste Removal	318,810	291,800	275,230	(43,580)
Demolition Removal	69,120	69,814	63,530	(5,590)
Expendable Supplies	5,500	3,990	5,500	0
Property Maintenance	2,500	1,568	2,500	0
Training	250	0	200	(50)
Clothing Allowance	2,400	2,200	2,000	(400)
Mileage	300	59	250	(50)
Vehicle Equipment	83,000	83,000	50,000	(33,000)
Equipment	0	0	0	0
Vehicle Fuel	17,550	14,793	15,630	(1,920)
Vehicle Maintenance	13,200	20,908	13,500	300
Equipment Maintenance	4,270	1,941	3,350	(920)
Dues and Meetings	9,590	8,658	9,440	(150)
Recruitment Expenses	0	435	0	0
Site Improvements	1,000	5,935	2,000	1,000
Miscellaneous Expenses	1,250	639	1,000	(250)
Telephone	2,650	2,592	2,650	0
Electricity	8,740	6,892	6,830	(1,910)
Heat	3,050	1,205	1,370	(1,680)
TOTALS	994,010	981,378	879,890	(114,120)
HEALTH AND HUMAN SERVICES (ARTICLE 15)				
Visting Nurse/Hospice	\$ 20,640	\$ 20,640	\$ 20,640	0
Center for Life Management	4,400	4,400	4,400	0
Community Caregivers	500	500	500	0
AIDS Response/Seacoast	525	525	525	0
A Safe Place	1,500	1,500	1,500	0
Rape & Assault Services	1,000	1,000	1,000	0
Community Health Services	3,500	3,500	3,500	0
Big Brothers/Sisters of Gr. Nashua	500	500	500	0
Greater Derry Transportation	0	0	0	0
Regional Transit Initiative	12,900	12,900	12,900	0
Suzdel Sister City Support	500	500	500	0
Meals on Wheels	2,565	2,565	2,565	0
Windham's Helping Hands	3,500	3,500	3,500	0
American Red Cross	1,000	1,000	1,000	0
Water Testing	2,500	1,845	2,500	0
Mosquito Control Program	27,000	26,910	27,000	0

BUDGET DETAIL 2010

BUDGET ITEM	Appropriations Fiscal Year 2009	2009 Actual Expenditures*	Appropriations Ensuing for Fiscal Year 2010	Increase/ (Decrease)
Dues and Meetings	150	145	150	0
Miscellaneous	1,615	1,000	1,615	0
TOTALS	84,295	82,930	84,295	0
<u>ANIMAL CONTROL</u>				
	(ARTICLE 15)			
Regular Salaries	\$ 14,645	\$ 15,786	\$ 14,645	0
Social Security	950	979	950	0
Medicare	220	229	220	0
Kennel Fees	400	50	400	0
Office Supplies	300	0	300	0
Mileage	3,000	2,673	3,000	0
Miscellaneous Expense	150	12	150	0
Telephone	790	585	790	0
TOTALS	20,455	20,314	20,455	0
<u>GENERAL ASSISTANCE</u>				
	(ARTICLE 15)			
Community Action Program	\$ 6,540	\$ 6,540	\$ 6,540	0
Welfare Assistance	42,500	47,050	42,500	0
Hardship Abatements	7,500	0	7,500	0
Miscellaneous Expenses	500	60	500	0
TOTALS	57,040	53,650	57,040	0
<u>LIBRARY</u>				
	(ARTICLE 15)			
Regular Salaries	\$ 583,220	\$ 563,015	\$ 584,360	1,140
State Retirement Municipal	38,450	38,637	39,410	960
Supplemental Retirement	24,460	22,395	24,400	(60)
Social Security	9,420	8,256	9,560	140
Group Insurance-Health	93,910	93,907	94,500	590
Group Insurance-Life & Disability	8,150	7,389	7,420	(730)
Group Insurance-Dental	5,310	5,317	5,610	300
Medicare	9,310	7,842	8,440	(870)
Office Supplies	5,500	2,285	3,440	(2,060)
Computer Supplies	5,200	5,711	3,200	(2,000)
Property Maintenance	11,000	14,991	13,000	2,000
Mileage	1,000	1,243	1,000	0
Office Equipment	4,500	2,309	2,500	(2,000)
Equipment Maintenance	3,500	3,428	3,500	0
Books and Magazines	70,000	70,000	68,000	(2,000)
Other Library Materials	23,000	21,632	22,000	(1,000)
Library Computer Services	15,000	15,317	14,400	(600)
Electronic Cataloging	10,100	7,302	9,500	(600)
Programs and Films	9,500	9,500	8,500	(1,000)
Petty Cash	1,000	998	1,000	0
Dues and Meetings	2,000	2,365	2,000	0
Professional Development	1,500	113	500	(1,000)
Telephone	8,880	8,911	6,000	(2,880)
Electricity	23,800	26,211	24,270	470
Heat	18,750	16,297	18,750	0
TOTALS	986,460	955,371	975,260	(11,200)

BUDGET DETAIL 2010

BUDGET ITEM	Appropriations Fiscal Year 2009	2009 Actual Expenditures*	Appropriations Ensuing for Fiscal Year 2010	Increase/ (Decrease)
RECREATION (ARTICLE 15)				
Regular Salaries	\$ 90,695	\$ 82,570	\$ 91,830	1,135
State Retirement Municipal	4,560	4,571	4,800	240
Supplemental Retirement	2,500	2,550	2,620	120
Social Security	2,170	2,149	2,625	455
Group Insurance-Health	7,830	7,826	7,870	40
Group Insurance-Life & Disability	950	822	900	(50)
Group Insurance-Dental	1,350	431	1,430	80
Medicare	1,330	1,141	1,370	40
Chemical Toilets	7,190	6,199	7,190	0
Office Supplies	500	255	500	0
Mileage	0	0	500	500
Rec. Sportsfields	28,500	29,461	24,000	(4,500)
Recreational Activities	14,050	14,388	14,050	0
Senior Rec. Activities	12,000	12,442	12,000	0
Equipment Maintenance	4,300	4,239	4,300	0
Petty Cash / Mileage	700	854	200	(500)
Recruitment Expenses	620	557	480	(140)
Committee Expenses	200	247	200	0
Employee Health	200	0	200	0
Telephone	760	1,042	860	100
Electricity	8,640	8,008	8,190	(450)
TOTALS	189,045	179,752	186,115	(2,930)
HISTORIC COMMISSION (ARTICLE 15)				
Regular Salaries	\$ 0	\$ 0	\$ 0	0
Social Security	0	0	0	0
Medicare	0	0	0	0
Contracted Services	1,000	700	1,000	0
Miscellaneous Expense	0	21	0	0
TOTALS	1,000	721	1,000	0
CONSERVATION COMMISSION (ARTICLE 10)				
Dues and Meetings	850	511	850	0
Miscellaneous Expenses	1,500	1,839	1,500	0
TOTALS	2,350	2,350	2,350	0
SENIOR CENTER (ARTICLE 15)				
Senior Volunteer Program	\$ 0	\$ 0	\$ 0	0
Property Maintenance	500	1,330	500	0
Telephone	420	530	540	120
Electricity	3,490	3,425	3,580	90
Heat	2,800	1,307	1,800	(1,000)
TOTALS	7,210	6,592	6,420	(790)
CABLE TELEVISION (ARTICLE 15)				
Regular Salaries	\$ 45,680	\$ 45,664	\$ 47,830	2,150
Overtime Salaries	1,310	1,327	1,370	60
State Retirement Municipal	4,190	4,210	4,510	320
Supplemental Retirement	2,330	2,350	2,440	110
Group Insurance-Health	7,830	7,826	15,090	7,260

BUDGET DETAIL 2010

BUDGET ITEM	Appropriations Fiscal Year 2009	2009 Actual Expenditures*	Appropriations Ensuing for Fiscal Year 2010	Increase/ (Decrease)
Group Insurance-Life & Disability	860	746	820	(40)
Group Insurance-Dental	430	431	850	420
Medicare	680	681	710	30
Contracted Support	300	0	300	0
Office Supplies	400	370	400	0
Property Maintenance	500	48	500	0
Equipment	12,000	12,041	12,000	0
Dues and Meetings	900	880	900	0
Recruitment Expenses	0	0	0	0
Miscellaneous Expenses	1,000	961	1,000	0
Telephone	600	674	720	120
TOTALS	79,010	78,209	89,440	10,430
<u>DEBT SERVICE</u>				
	(ARTICLE 15, 9)			
Long Term Notes P & I *	\$ 248,849	\$ 248,849	\$ 12,160	(236,689)
TANS - Interest	500	1,456	500	0
TOTALS	249,349	250,305	12,660	(236,689)
Less Use of other Revenue Sources	237,189		500	(236,689)
<u>CAPITAL OUTLAY</u>				
	(ARTICLE 15, 4)			
Road Improvements	\$ 380,743 (1)	\$ 1,186,161 (x)	\$ 300,000	(80,743)
Salt Shed/Highway Garage Construction	0	0	960,000	960,000
Transfer Trailer	0	0	0	0
Library Renovations	70,000 (1)	37,200	0	(70,000)
Bartley House Renovations	0	0	0	0
Castle Hill Bridge Improvements	490,837 (1)	490,837	0	(490,837)
Lowell Road Bike Path	68,104 (1)	0	0	(68,104)
Depot Improvements	208,124 (1)	44,703	0	(208,124)
Ambulance	155,000	155,000	0	(155,000)
TOTALS	1,372,808	1,913,901	1,260,000	(112,808)
Less Carryovers from 2008	631,000		1,260,000	629,000
Less Use of other Revenue Sources	483,000		910,000	427,000
(1) includes carryovers from 2008 (\$80,743-\$70,000-\$490,837-\$68,104-\$32,124)				
<u>OPERATING TRANSFERS OUT</u>				
	(ARTICLE --)			
Salt Shed	\$ 0	\$ 0	\$ 0	0
Fire Apparatus	\$ 0	\$ 0	\$ 0	0
TOTALS	0	0	0	0
<u>RETIREMENT</u>				
	(ARTICLE 15)			
MONY Service Charge	\$ 2,500	\$ 0	\$ 2,500	0
TOTALS	2,500	0	2,500	0
<u>INSURANCE</u>				
	(ARTICLE 15)			
Workers Compensation	\$ 145,580	\$ 145,581	\$ 134,805	(10,775)
Health Insurance	5,000	0	0	(5,000)
Unemployment Comp.	1,660	1,656	2,220	560
Miscellaneous	2,000	1,910	2,000	0
N.H. Liability Trust	107,280	105,802	109,780	2,500
TOTALS	261,520	254,949	248,805	(12,715)

BUDGET DETAIL 2010

BUDGET ITEM	Appropriations Fiscal Year 2009	2009 Actual Expenditures*	Appropriations Ensuing for Fiscal Year 2010	Increase/ (Decrease)
TRUST ACCOUNTS (ARTICLE 5)				
Health Trust	\$ 0	\$ 0	\$ 0	0
Property Trust	30,000	30,000	30,000	0
Earn time Trust	0	0	0	0
Museum Trust	0	0	0	0
TOTALS	30,000	30,000	30,000	0
SPECIAL ARTICLES (ARTICLE 8)				
Use of Searles Revenue Fund	20,000	\$ 13,874	\$ 20,000	0
Use of Fund Balance-Searles	7,725 (1)	0	0	(7,725)
Salt Shed Engineering Study	9,730 (1)	0	0	(9,730)
Searles Donation	5,200 (1)	0	0	(5,200)
TOTALS	42,655	13,874	20,000	(22,655)
Less Carryovers from 2008	20,000			
Less Use of other Revenue Sources	0		0	
(1) includes carryovers from 2008 (\$7,725-\$9,730-\$5,200)				
GRAND TOTAL	\$ 13,499,974	\$ 13,586,750	\$ 12,894,315	
	12,692,319 (b)	(a)	12,894,315	
	12,512,159 (c)	(e)	12,512,155	(4)
	13,499,974 (d)	(f)	12,512,155	0.000%

0

(x) - Total 2009 expenses under Capital Outlay-Road Improvements of \$1,186,161 were offset by revenues from other sources totaling (\$862,118) for a net total expense of \$324,043, plus \$56,700 encumbered in 2009 to be carried over to 2010. These other sources were \$750,000 from donations, \$67,266 from Emergency Response funds and \$44,852 from offsite exaction fees.

(a) total proposed appropriations including petitioned articles below (Article)
None received for 2010 0

* the article for Use of the Revenue Fund for Searles Bond request \$12,160. If this is approved, The Operating Budget Sweep Article will be reduced by \$12,160. For purposes of the budget detail, only one occurrence of the \$12,160 is reflected in (a) , (e)

(b) 2009 appropriation less carryovers of \$807,655 from 2008

(c) 2009 appropriation less carryovers of \$807,655, \$32,160 from the Searles Revenue Fund; and grants of \$148,000 (Depot).

(d) 2009 appropriations including bonds, use of other funds, CRF's, grants and carryovers to show total available for 2009

(e) 2010 proposed appropriations less CRF withdrawals (\$350,000 - Salt Shed), bond issues (\$0) and use of other funds (\$32,160 searles, and \$0 Grant). Total of \$382,160. This figure is used for 2010 to compare with 2009 to determine the increase or decrease in actual appropriations.

(f) 2010 proposed appropriations, less any funds reduced as noted above, plus any carryovers from 2009 to show total monies to be available. (\$0 carried over from 2009)

The annual Town Election for Windham, New Hampshire was called to order at 7:00 AM by Town Moderator, Peter Griffin. Ballots were publicly opened by Town Clerk, Nicole Merrill. Present were: Selectman Galen Stearns, Selectman Roger Hohenberger, School Clerk Mary Ann Horaj, Ballot Clerks, and the Supervisors of the Checklist. Protest Petitions were publicly announced and posted.

The following were DULY ELECTED:

SELECTMAN

***BRUCE BRETON** **1177**
MARGARET CRISLER 1095

TRUSTEE OF LIBRARY

***PATRICIA BARSTOW** **48**

MODERATOR

***PETER GRIFFIN** **1860**

TRUSTEE OF LIBRARY

***MARYLEE UNDERHILL** **1558**
***NORMAN BOUTILLETTE** **1251**
***PATRICIA BARSTOW** **126**

TRUSTEE OF TRUST FUNDS

TRUSTEE OF CEMETERY

***WENDI DEVLIN** **1809**

PLANNING BOARD

***RUTH-ELLEN POST** **1249**
***KRISTI ST.LAURENT** **1347**
WALTER KOLODZIEJ 1044

ZONING BOARD OF ADJUSTMENT

***HEATH PARTINGTON** **998**
JAMES TIERNEY 514
JOHN ALOSSO 775
***ELIZABETH DUNN** **1394**

ARTICLE #4 **YES** **1336**
 NO 966

ARTICLE #5 **YES** **1273**
 NO 934

ARTICLE #6 **YES** **1550**
 NO 693

ARTICLE #7 **YES** **1516**
 NO 712

ARTICLE #8 **YES** **1695**
 NO 534

ARTICLE #9 **YES** **1854**
 NO 405

ARTICLE #10 **YES** **1649**
 NO 602

ARTICLE #11 **YES** **2075**
 NO 221

ARTICLE #12 **YES** **1934**

ARTICLE #13 **YES** **1854**

	NO	344		NO	331
ARTICLE #14	YES	1428	ARTICLE #15	YES	2008
	NO	832		NO	386

ZONING BALLOT

Article #2

PB Amendment #1	YES	1912	PB Amendment #2	YES	1694
	NO	344		NO	543
PB Amendment #3	YES	1575	PB Amendment #4	YES	1180
	NO	702		NO	1007
PB Amendment #5	YES	1559	PB Amendment #6	YES	781
	NO	636		NO	1357
PB Amendment #7	YES	1725	PB Amendment #8	YES	1421
	NO	514		NO	788
PB Amendment #9	YES	1425	PB Amendment #10	YES	608
	NO	649		NO	1665
PB Amendment #11	YES	1413	PB Amendment #12	YES	1496
	NO	687		NO	571

Article #3

Citizens Petition #1	YES	1424	Citizens Petition #2	YES	1564
	NO	746		NO	749
			*Needed 2/3rds majority votes.		
Citizens Petition #3	YES	787	Citizens Petition #4	YES	577
	NO	1502		NO	1648

***Needed 2/3rds majority votes.**

There were 2539 cast ballots. 132 of those were Absentee Ballots and 4 ballots were Voids. Going into the Election there were 9952. There were 52 new registered voters, bringing the total of registered Voters to 10,004.

Respectfully Submitted,

Nicole L Merrill
Town Clerk