

MINUTES

ROCKINGHAM PLANNING COMMISSION

September 8 2004
Windham Town Hall, Windham, NH

MEMBERS PRESENT: Bob Landman, Chair; Glenn Coppelman; Forest Griffin; Bob Brown; Annette Stoller; Susan Hastings; Peter Griffin; Christene LoVecchio; Lionel Ingram; Ken Weyler; Larry Smith; Warren Bambury; Ted Tocci; Jim Gigante; Seth Perry; Roger Venden; Charles Melvin; Tim Moore; Bruce Dearborn and Alan Carpenter.

STAFF PRESENT: Cliff Sinnott; Glenn Greenwood; Jill Robinson and Roxanne Rines.

OTHERS PRESENT: Al Turner, Rebecca Way, Pam Skinner, Bruce Brenton, Phil LoChiatto, and Lee Maloney, Town of Windham

Meeting opened at 7:15 p.m.

I. Welcome/Introductions

Attendees introduced themselves and stated what municipality they represented.

II. Planning Update - Windham

Lee Maloney, Town of Windham Planning Board, stated the Town is updating its Master Plan and CIP. The town held community visioning sessions and that public hearings on the draft master plan chapters will be happening soon. She continued that the annual CIP update has just gotten underway and gave building permit numbers for several years.

III. PRESENTATION

Sinnott stated that Fay Ruben is not yet in attendance and that the meeting should continue with the items below until she arrives.

IV. Minutes of July 14, 2004

Motion: **Tocci** made a motion to accept the minutes of July 14, 2004, as written. **Stoller** seconded the motion. **Motion carried with Weyer, Carpenter, Griffin and Dearborn abstaining.**

V. Communications

Sinnott stated the RPC asked their attorney, DTC to define "how the right-to-know law applies to works in progress that staff is working on, on behalf of a community under a contract". A handout was distributed with the response which attempts to explain the case law that applies to works in progress.

RSA Planning and Land Use book order forms have been sent out and are due back at the RPC by Tuesday, September 21, 2004. Also included in the mailing was the Law Lecture Series attendance forms.

ERLAC is holding a Wildlife Tracking and Exhibit event in September, a handout was distributed.

The REDC has begun a five-year update to its Community Economic Development Strategy Plan (CEDS). The RPC needs a third commissioner representative from the Eastern (Seacoast) region. This item will be put on next months agenda.

Bambury asked if any community is involved in the UNH program, Road Surface Management System? **Moore** stated Plaistow has used the program and it worked wonderful. **Dearborn** stated Greenland utilized the program, but their cost estimates were very low. **Brown** stated Rye has also used the program and it worked well.

VII. Legislation Policy Committee Report

Stoller reviewed the report that the committee presented to members. The effort of the legislative policy committee is to determine which items are priorities and to send members to testify at different hearings. The committee is also concerned about the sources of state funding being cut. She asked members if they have concerns of their own to let the committee know ahead of the hearings.

She continued that the following items were discussed as high priority action policies: affordable housing; small highway projects program; gas tax receipts for alternative transportation; and large groundwater withdrawals.

Secondary priorities are: desalination, regional water supply; regional sewer outfall; and household hazardous waste.

Stoller stated that the committee also recommended following the policies from the 2003-04 session, including: affordable housing incentives; LCHIP funding; open space retention/sprawl prevention; OSP/RPC funding for local master planning; and current use.

Sinnott stated the date for the legislative forum is set for Wednesday, October 13th, at the Hilton Auditorium at the County Complex pending the committee's decision. **Smith** asked why the forum is held before the election and not after? **Stoller** said because of the dates for submission.

Landman suggested that the meeting be held October 13th, with the regular commission meeting. He also spoke about the state having no regulations on septic systems and that he thinks there needs to be.

Sinnott stated there are two more high priority items that were not discussed at the committee meeting: Derry-Salem Area Coop Alliance for Regional Transit and Preliminary Site Plan Status. He asked if members are comfortable with the legislative committee's priorities?

Weyler stated the top four priorities have been defeated in previous years. **Sinnott** stated the committee was very conservative in what they are proposing to happen.

Motion: Carpenter made a motion to present the high priorities at the legislative forum as written in attachment #3 including the two later items added under high priorities. **Hastings** seconded the motion. **Motion carried.**

VI. Planning Update: Implementing Recent Planning Legislation

Greenwood stated the last legislative session had a number of successfully bills that impact planning boards.

The final two pages of the handout are dates for final public hearings (zoning calendar), he suggested that communities check with their town attorneys.

- Preliminary Plan Review (HB 761) – **Greenwood** stated the bill will allow Planning Boards to tell applicants that they must do a preliminary discussion with the board about a development before there is too much expenditure of funds. The only piece unforeseen was that the right is contingent upon getting authorization at town meeting.

The two ways to accomplish authorization is either a resolution at town meeting or a zoning amendment. On the handout are two examples with sample wording for a resolution and amendment.

- Defining "Substantial Improvement" (SB 414) – **Greenwood** stated RSA 674:39 was one of the most confusing RSA's developed and SB 414 helps with the definition. Each community definition will be different, along with each application. This legislation makes it necessary upon the town to have the discussion at the approval level.

The handout includes model language and placement within Subdivision and Site Plan Review Regulations. Further discussion ensued amongst members and staff.

- Option to Mandate Innovative Planning Ordinances (HB 761) – **Robinson** stated this bill gives towns the authority to require innovative land use controls, examples are listed on the handout. Model language is also included for an ordinance.

Robinson explained a recent court case: Boccia vs. City of Portsmouth. It sets forth a new test for ZBA's to use when considering a request for an unnecessary hardship area variance. The Simplex standard is to be applied when considering a request for a unnecessary hardship use variance. The handout gives a comparison of the two tests.

Greenwood stated staff will be completing and sending out a Planners Advisory Memo with information about the decision in the next month or so. Further discussion ensued.

- Adopting the new Digital Flood Insurance Rate Maps (D-FIRM) – **Greenwood** stated all communities in the county must amend their Floodplain Management Ordinances in 2005 or be suspended from NFIP. Included in the handout is sample wording for a zoning amendment.

VIII. Executive Committee Report

Sinnott stated the circuit rider program has to be monitored because there is more time spent than we are paid for. More discussion will be at the next meeting.

IX. Contract Approval: FY 2005 Coastal Program Technical Assistance Grant

Greenwood stated there are three new proposals that will be added as an amendment to the contract.

Motion: **Brown** made a motion to approval the FY 2005 Coastal Program Technical Assistance Grant. **Tocci** seconded the motion. **Motion carried.**

X. Other Business

- A. October Commission Meeting/Legislative Forum – Meeting will be Wednesday, October 13, 2004.
- B. NHARPC Meeting – **Sinnott** stated the meeting is in October, the main items will be the State Regional Planning Association legislative agenda; the association intends to take a more active role in initiating, monitoring and tracking legislation. Another item at the meeting will be the need for the association to have an identity (what it stands for and believes in the planning realm).
- C. 2004-2005 Commission Handbook, Schedule Commissioner Orientation – It was decided that orientation will be held ½ hour before the November Commission meeting.
- D. Project Updates, Monthly Work Program Report – A handout was distributed.
- E. Other

Sinnott reviewed the presentation that was given at the last commission meeting and explained how it was going to be incorporated into tonight's meeting. Members would like a presentation at another commission meeting.

XI. Adjourn

Motion: **Tocci** made a motion to adjourn at 9:00 p.m. **Bambury** seconded the motion. **Motion carried.**

Meeting adjourned at 9:00 p.m.

Respectfully submitted:

Roxanne Rines, Recording Secretary