

Planning Board
Minutes of December 20, 2000

ROLL CALL: Russ Wilder, Chairman - Present
Alan Carpenter, Vice Chairman - Present
Lisa Linowes, Secretary - Present
Margaret Crisler, Selectmen Member - Present
Walter Kolodziej, Regular Member - Absent
Ross McLeod, Regular Member - Present
Wayne Morris, Regular Member - Present
Roger Hohenberger, Selectmen Alternate - Present
Lee Maloney, Alternate - Absent

STAFF: Al Turner, Director - Present
Eric Twarog, Assistant Director - Present

CORRESPONDENCE:

Mr. Wilder read correspondence. Mr. Wilder read a letter from J.S.I., Incorporated Earth Work Contractors requesting an extension (on behalf of Mr. Everett Ryan) of time to complete the two walking trails adjacent to Heritage Hill Road to provide access to Town property. Motion made by Mr. Carpenter to grant an extension of time to May of 2001. Seconded by Mr. Morris. Passed 6:0.

ROAD BONDS:

Mr. Turner recommended the following road bond actions:

Yorkshire Road East station 0 + 00 to 7 + 61 + 77 - the Town has escrowed \$20,251, and Mr. Turner recommends a partial release of \$9,016 and to retain \$11,235. Mrs. Crisler made a motion to release \$9,016. Seconded by Mr. McLeod. Passed 6-0.

Yorkshire Road West - the Town has escrowed \$18,713, and Mr. Turner recommends a partial release of \$8,475 and to retain \$10,238. Mr. Morris made a motion to release \$8,475. Seconded by Mrs. Crisler. Passed 6-0.

CIP PRESENTATION:

Mrs. Linowes presented the Capital Improvements Program with the changes requested by the Board on 12/13/00. The Board discussed the different scenarios presented.

Mr. McLeod made a motion to recommend to the Board of Selectmen that the CIP Rate be raised to \$1.91 (New Methodology), to restore projects as presented 12/6/00, to fund Conservation Land at \$225,247. Seconded by Mr. Carpenter. Failed 4-2. Mr. Carpenter, Mrs. Crisler, Mrs. Linowes, and Mr. Wilder voted against.

Public Input

Mr. Roger Hohenberger recommended against using a \$1.91 CIP Rate.

Ms. Carolyn Webber recommended using the original CIP proposal as presented 12/13/00.

Mr. Tom Case recommended using the original CIP proposal as presented 12/13/00.

Mr. David Sullivan recommended using the same methodology as used in years previously, total valuation times 2.5% at a CIP Rate of \$1.55.

Mrs. Crisler recommended using a CIP Rate of \$1.76.

Ms. Marsha Unger read the minutes from the 1998 Annual Town Meeting about the CIP Rate.

Mr. McLeod made a motion to recommend to the Board of Selectmen that the CIP Rate be raised to \$1.76 (New Methodology), to restore projects as presented 12/6/00, to fund Conservation Land at \$83,582. Seconded by Mr. Morris. Passed 5-1. Mrs. Linowes voted against.

ZONING AMENDMENTS:

Mr. Wilder presented the Citizen Petition Zoning Amendments and explained that they will not receive public input until January 10, 2001 due to the legal notice requirements. Mr. Wilder presented the proposed zoning amendments as written in a memo to the Windham Planning Board from Alfred Turner dated November 28, 2000, revised 11/29/00:

Amendment #1:

Mr. Tom Case was opposed to the last sentence of the proposed amendment.

Attorney Bill Mason questioned the need to increase from 20,000 to 30,000 sq. ft.. He is opposed to the increase.

Mr. Jack Gattinella commented on changing the last sentence to something more definitive.

Mr. Everett Ryan was opposed to the increase to 30,000 sq. ft..

Mr. Turner suggested changing the wording of the last sentence to “when the Board determines” instead of “is of the opinion”

Amendment #2:

Mr. Turner read planning staff’s recommendations.

Mr. Gattinella questioned whether vernal pools can be counted as open space in an Open Space Development.

Mr. Case asked whether vegetation could be cut if it reached a certain height.

Mr. Sam Nassar commented that the Town should conduct an inventory of vernal pools in Town so people will know if they have one on their property.

Amendment #3:

Mr. Morris asked a procedural question about the posting of the Cemetery Setback Regulations.

Mr. Turner explained how the proposed amendment became a Board of Selectmen Zoning Amendment.

Mrs. Crisler explained the Board of Selectmen's process for submitting zoning amendments.

Gail Webster of the Cemetery Trustees requested that the Planning Dept. and Board of Selectmen work with the Cemetery Trustees in drafting the zoning amendment.

Mr. Turner commented that the Cemetery Trustees should provide Attorney Bernie Campbell with their comments.

Amendment #4: No Comments.

Amendment #5:

Mr. Case asked for clarification on proposed amendment.

Mr. Peter Zhodi asked if the 100 ft. setback applies in the Village Center District.

Mr. Turner explained that the 100 ft. setback is for the Rural District only. He read planning staff's recommendations as well.

Mr. Gattinella commented that Note 8, Appendix A-1 would also have to be amended.

Attorney Betty Dunn asked for procedural clarification. She is for the amendment.

Amendments #6:

Mr. Case asked questioned what the definition of "good condition" is and who would determine whether a golf course is in good condition.

Mr. Gattinella questioned why the acreage requirement for golf courses was eliminated and asked whether country clubs have been eliminated.

Attorney Betty Dunn also questioned why the acreage requirement for golf courses was eliminated and whether a study was done on acreage requirements for 9-hole courses versus Par3 courses.

Amendment #7:

Mr. Gattinella asked if there is a definition of what a similar golf course is.

Mr. Case asked what the difference between a 9-hole and Par3 golf course is.

Amendment #8:

Mr. Case asked what lots are currently nonconforming and what lots would become nonconforming if the proposed amendment passed. He also stated that the Town already has a large area of Town zoned Professional, Business, Technology.

Attorney Betty Dunn asked the Board if they knew what the State's intent is with regard to the land they purchased in that area. She questioned if the Town would be creating nonconforming lots unnecessarily.

Mr. Turner commented on the I-93 Task Force and what the State could potentially do with the land they purchased in this area.

Mrs. Crisler commented that the Delahunty Nursery is protected under agricultural uses.

Mr. Nassar commented on future access road near Searles Road.

Mr. Gattinella commented on the Town reducing commercial zones due to traffic and how the Professional, Business, and Technology District also has allowed uses that generate large volumes of traffic.

Amendment #9:

Mr. Case questioned why the two lots at the corner of Route 111 and Range Road were left out of the proposed rezoning. He believes that the Honda Shop should be left as Commercial A.

Karen Heller from 60 Range Road, the owner of the Honda Shop, commented that she has invested a lot of money into the Honda Shop and that she believes that it would be unfair to make her lot a nonconforming use. She is opposed to the rezoning.

Mr. Shelton commented that the area should be left Commercial and that he is against the rezoning. Mrs. Shelton is also against the rezoning.

Gail Webster asked the Board who requested the rezoning, which she called spot zoning.

Mr. Nassar commented that he agrees with the Sheltons and asked the Board if they could send a letter to Mr. William Crucius asking if he has any comments that he would like to make. Mr. Crucius is an older gentleman who had to leave twice before this proposed amendment was discussed. Mrs. Crisler said that she would contact Mr. Crucius.

Dorrene Beauchane commented that the Town should rezone the whole area, not half of it.

Amendment #10:

Mr. Mike Nikitas read a letter from the residents of the area stating their reasons why they are opposed to the rezoning.

Mr. Case questioned why these lots were chosen to be rezoned.

Mr. Chrissis commented that he is against the rezoning and that a Protest Petition will be filed if the Town goes through with the rezoning.

Mr. Frank Johnson commented that the Town should use caution against rezoning this area because of the increased uses allowed in the Rural Zone.

BUSINESS

After reviewing the public input received, the Board took the following action:

Mr. Morris made a motion to readvertise zoning amendment #1 as amended. Seconded by Mrs. Crisler.

Passed 5:0.

Mr. Morris made a motion to readvertise zoning amendment #2 as amended. Seconded by Mrs. Crisler.
Passed 5-0.

Mrs. Crisler made a motion to readvertise zoning amendment #4 as amended. Seconded by Mr. Morris.

Passed 5-0.

Mrs. Linowes made a motion to readvertise zoning amendment #5 as amended. Seconded by Mr. Morris. Passed 5-0.

Meeting was adjourned at 11:30 pm.

These minutes are in draft form and have not been submitted for approval.

Respectfully submitted, Eric Twarog

