

## PLANNING BOARD MINUTES

November 29, 2006

### ROLL CALL:

Phil LoChiatto, Chairman – Present	Ruth-Ellen Post, Vice Chairman – Present
Nancy Prendergast, Secretary – Present	Walter Kolodziej, Regular Member – Present
Ross McLeod, Regular Member – Present	Pam Skinner, Regular Member – Excused
Neelima Gogumalla, Alternate – Excused	Rick Okerman, Alternate – Present
Margaret Crisler, Selectmen Member – Present	Alan Carpenter, Selectmen Alternate – Excused

### STAFF:

Al Turner, Director of Planning and Development – Present

*Mr. LoChiatto opened the meeting at 7:30 pm. Mr. Okerman replaced Ms. Skinner.*

### MINUTES:

- Mr. McLeod motioned to approve the November 8 minutes. Mr. Kolodziej seconded. Passed 5-0-2. Mrs. Crisler and Mr. Okerman abstained;
- Ms. Post motioned to approve the November 1 minutes as amended. Mr. Kolodziej seconded. Passed 7-0.

### BONDS:

- Heritage Hill and Timerberlane Roads, final release of \$28,400. Mr. McLeod motioned to approve the final release recommend that the Selectmen hold a public hearing to accept Heritage Hill and Timberlane Roads as official town roads. Ms. Prendergast seconded. Passed 7-0;
- Heritage Hill Extension, bond reduction of \$24,078 with \$24,310 retained. Mr. McLeod motioned to approve. Mrs. Crisler seconded. Passed 7-0;

*Ms. Gogumalla joined the meeting but was not seated.*

- Appleton Road, bond reduction of \$110,448 with \$7,200 retained. Mr. McLeod motioned to approve. Ms. Post seconded. Passed 7-0;
- Glendenin Road, bond reduction of \$35,149 with \$5,500 retained. Mr. McLeod motioned to approve. Ms. Post seconded. Passed 7-0;
- Poplar Road, bond reduction of \$31,372 with \$7,430 retained. Mr. McLeod motioned to approve. Ms. Post seconded. Passed 7-0;
- Butternut Road, bond reduction of \$31,508 with \$4,930 retained. Mr. McLeod motioned to approve. Mr. Okerman seconded. Passed 7-0;
- Sagamore Road, bond reduction of \$34,122 with \$4,680 retained. Mr. McLeod motioned to approve. Mr. Okerman seconded. Passed 7-0;
- Bear Hill Ext and Westchester Roads, bond reduction of \$134,190 with \$85,632 retained. Mr. McLeod motioned to approve. Ms. Post seconded. Passed 7-0;
- Settlers Ridge Road, bond reduction of \$26,525.36 with \$12,070 retained. Mr. McLeod motioned to approve. Mr. Okerman seconded. Passed 7-0;
- Jackman Ridge Road Ext, bond reduction of \$85,980 with \$69,000 retained. Mr. McLeod motioned to approve. Ms. Post seconded. Passed 7-0;
- Jamestown Road, new bond of \$1,152,871.20. Mr. McLeod motioned to accept. Ms. Post seconded. Passed 7-0;
- 6 Edinburg Road, site work bond of \$5,000. Mr. McLeod motioned to accept. Mr. Okerman seconded. Passed 7-0;

## **CORRESPONDENCE:**

- Rockingham Planning Commission flyer for CTAP;
- Invitation to an open house at the Pentucket Bank;
- RPC Important Deadlines for the Official Ballot Town Meeting;
- Derry abutter notifications;
- Memo from David Sullivan request information from all Boards for the Annual Town Report;
- Gove Environmental newsletter.

## **POTENTIAL ZONING ORDINANCE CHANGES:**

Mr. Turner: Distributed a draft of proposed zoning changes, the Presbyterian church land has split zoning, would like to be rezoned Village Center District (VCD), definition of structure to be “Any temporary or permanently constructed, erected or placed material or combination of materials in or upon the ground, including but not limited to, buildings, manufactured housing, radio towers, sheds and storage bins, storage tanks, portable carports, swimming pools and tennis courts. Signs, fences under 6’ tall, driveways, road, light poles, flag poles, mailboxes, stonewalls, walks, retaining walls under 4’ tall, subsurface waste disposal facilities and essential services are exempt under this definition”, the Elderly Housing Ordinance has several proposed amendments include changing the name Age Restricted Housing, Amend the name of the Ordinance to “Age Restricted Housing” and all internal references, amend Section 610.3.1 add VCD to Districts where Age Restricted Housing is allowed, amend Section 610.6.1.2 by deleting the words “single Family detached” to keep age restricted housing costs down, amend Section 610.6.1.10 by deleting the words “adaptable for” and replacing them with the words “barrier free”, amend Section 610.6.2.3 by deleting this section, amend Section 610.6.4 by addition the following words after the word “Density ...” for a traditional single family housing lot, and amend Section 606.1 Uses Allowed in the Limited Industrial District by adding a new Section 606.1.13 Indoor Health, Fitness, and Recreational Facilities.

Board discussion: The Board is looking to gather public input. The Board should discuss the Elderly Housing Ordinance, Mr. Turner raised several issues as to whether it should be modified or eliminated. Gas station ordinance, placement of gas stations in relationship to water supply, distance between gas stations, areas of town where gas stations are allowed, gas station zoning, locate gas stations at intersections, overlay Route 111 rerouting on the tax map. Consensus of the Board was to put the gas station topic off until next year and gather more information. Public comment from Alan Carpenter, 8 Glenwood Road: Board’s former discussion of gas station in the Gateway district should be exempt of the 1000’ requirement, and to have gas stations near the Rt 93 exits.

## **PROPOSED MAP AMENDMENTS**

Amendment #1 – Amend Zoning District Map by rezoning lots 11-A-450, 11-A-451, 11-A-452 located on Hardwood Road from Rural to VCD. Board discussion: Lots location, and counter to last year’s discussion. Public comment from Peter Zohdi, client owns one of the parcels, good for the Village District for traffic flow. Dave Sheldon, 6 Hardwood Road: Thanked Mr. Turner for his time and information, this change brings unknowns, could be good or bad, setbacks protect current property, and only look at the change when there is a plan. Wayne Morris, 12 Jordan Road: In favor of the corner lot changing zoning, would help preserve the historic structure, and there is handicapped accessible connectivity at the set of lights at Lowell Road intersection. Mr. Carpenter, Selectmen Alternate: Gives an access point to the VCD, and the Board will protect the homeowners as much as possible during design review. Board discussion: Move forward to the public hearing, the first public hearing will be December 13, and second public hearing will be January 10. Mr. Kolodziej motioned to move Amendment #1 for rezoning lots 11-A-450, 11-A-451, 11-A-452 to public hearing on December 13. Ms. Post seconded. Passed 6-0-1. Mr. McLeod abstained.

Amendment # 2 – Amend Zoning District Map by rezoning lot 11-A-600 located on North Lowell Road which is split zoning part VCD, Rural, and Residential B to entirely VCD. Board discussion: Letter received from the Presbyterian Church. No public input. Board discussion: Located the parcels on a map and the districts are Residential B, Rural, and VCD. Mr. McLeod motioned to move to public hearing on December 13. Ms. Prendergast seconded. Passed 7-0.

#### PROPOSED ORDINANCE AMENDMENTS

Amendment to Section 200 Definitions. Amend the definition of structure. Board discussion: More detail was needed, and 4' walls and 6' fences require permits. Public input from Jack Gattinella, 13 Golden Brook Road: Asked for the current definitions, there are conflicts in the ordinance, an entire section was exempted through how it was written, the document was not read before the meeting, and adopted International Code has its own definition. Mr. Turner explained the reasons for the definitions and that there is no contradiction. Board discussion: Adding words such as “unless defined otherwise”, and moving the quotation mark. Karl Dubay, 21 Telo: Offered some wording changes to material placement, retaining walls, and utilities. Board discussion: What does utilities include? Tom Case, 70 Mt Village Road: What is not in the ICC Code that necessitates having a separate definition? Mr. Turner: The State of NH had adopted the ICC Code, the ICC definition is “that which is built or constructed”, will need to conform to setback requirements, and change Section 702 for the setback exemptions. Mr. Gattinella: Change to Section 200 for Structure, Antenna. Board discussion: Not move to public hearing.

Amendment to Section 606.1 Uses Allowed in the Limited Industrial District by adding a new Section 606.1.13 Indoor Health, Fitness, and Recreational Facilities. Board discussion: This is specifically for the Ledge Road Limited Industrial District, showed the districts on the map, districts where health clubs are allowed, and what about outdoor facilities. Public comment from Tom Case: In favor of the change. Mr. Carpenter: Limited Industrial Districts are the most taxed positive, should be left as “indoor”, and traffic will be an issue and should be looked at during the public hearing process. Board discussion: General hours of use for an industrial park vs. commercial zones. Mr. Dubay: Offered the wording “ancillary outdoor use”, and most of the districts are steep topography. Mr. McLeod motioned to move the new Section 606.1.13 to public hearing on December 13 for Health, Fitness, and Recreational Facilities without the word “indoor”. Mr. Kolodziej seconded. Passed 6-1. Ms. Post opposed. Mr. Case supports “indoor” not “outdoor.”

Amendment to the Elderly Housing Ordinance Section 610 to include changing the name to “Age Restricted Housing” and all internal references, amend Section 610.3.1 to add VCD to Age Restricted Housing, amend Section 610.6.1.2 by deleting the words “single family detached” to keep age restricted housing costs down, amend Section 610.6.1.10 by deleting the words “adaptable for” and replacing them with the words “barrier free”, amend Section 610.6.2.3 by deleting this section, amend Section 610.6.4 by addition the following words after the word “Density ...” for a traditional single family housing lot, or should it be deleted in its entirety. Public comment: Mr. Case: All the amendments sound fine, and does not want to get rid of it. Board discussion: Single-family detached vs. single-family attached. Mrs. Crisler: Explained that the ordinance was meant to keep our residence in town, she stated she is 66 years old, we are not seeing what was intended, 252 units have been built or approved, another 232 can be built, we are shifting our demographics, most are moving from someplace else, people are selling their homes and paying cash for the units, McAuley Commons is doing what was intended, and we’re pulling everyone else’s elderly into the town. Public comment from John Alosso, 21 Hawthorne Road: The elderly population is growing, broke out the tax ratio for three of the elderly developments, average tax base is \$4,403.02, average revenue per acre is \$10,113.05, it is the most profitable from a tax point of view is elderly, many of the elderly who are moving to town have children who live in town, discussed a

chart of the tax revenue from a variety of businesses, chart with several reasons for keeping the elderly housing, chart of ambulatory uses, and chart with his summary of points. Board discussion: There is more than tax dollars at stake, there is a cultural and demographic side, should have a selection of housing, Master Plan states we are challenged to keep long term residents in town, how to get accurate information as to whether or not we are achieving that goal, ordinance needs some improvements, percent of elderly housing units, impressed with Mr. Alosso's information, shifting our normal demographics to elderly which shifts voting patterns, and is this what we mean to do. Mr. Case: Affordable housing for those who sell their homes, 10% elderly units makes sense, most residents have come from somewhere other than Windham, and the units are age 55 and over. Board discussion: Giving people choices, barrier free is an improvement, not sure it should be in the VCD, attached vs. detached units, the VCD will have smaller homes and doesn't need the age restriction. Mr. Gattinella: People lower than retirement age are deciding who should live where, intent of the VCD was for businesses in the lower level and the business workers in the upstairs, a developer should be able to design a plan based on our regulations, Master Plan is only a guideline, and don't fix it unless it's broken. Mr. Turner: VCD was considered because of strip development. Board discussion: Elderly housing is not allowed in the VCD, and the last Master Plan had citizens involved. Mr. Carpenter: Originally wanted affordable housing for age 62+, not sure that the original intention is being met, and why have it if there is no density or advantage to the elderly. Board discussion: Advantage is building a wide spectrum of homes. Mr. Dubay, Telo Road: Should keep the ordinance, Shaws is a good tax generator, McCauly Commons is non-profit, should be able to go to a 3 or 4 story building for affordable housing for the elderly, should be an overlay district, and make the ordinance flexible. Board discussion: Windham doesn't have fire equipment for 4 story buildings, the elderly housing units are more affordable than a single family house. Charlie McMahon, 11 Floral Road: Started the elderly housing initiative 15 years ago, was going to open up for Housing Authority, need an ordinance to make it happen, affordable elderly housing is for apartments not single-family housing, and does the ordinance make it more restrictive for rentals. Board discussion: Direction should be from the Selectmen, is this subsidized housing?, need to follow through with Fellows Road senior housing but that is different from this ordinance, and allowable building types. Mr. Dubay: ADA guidelines talk about accessible not barrier-free. Mr. Kolodziej motioned to move to public hearing. Mr. Okerman seconded. Board discussion: Support of some of the amendments and not others. Mrs. Crisler withdrew her push to eliminate the ordinance but will revisit next year. Passed 7-0.

Mr. Kolodziej motioned to adjourn. Mr. Okerman seconded. Passed 7-0. Meeting adjourned at 10:30 pm.

These minutes are in draft form and have not yet been reviewed and approved.  
Respectfully submitted, Nancy Charland