



*OLD VALUES - NEW HORIZONS*  
**PLANNING AND DEVELOPMENT**

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**Planning Board Minutes**  
**August 19, 2009**

**Roll Call:**

Phil LoChiatto, Chairman – Present  
Nancy Prendergast, Secretary – Excused  
Ruth-Ellen Post, Member – Present  
Louis Hersch, Alternate – Excused  
Sy Wrenn, Alternate – Present  
Ross McLeod, Selectman Alternate - Excused

Rick Okerman, Vice Chairman - Present  
Walter Kolodziej, Member - Present  
Pam Skinner, Member – Present  
Kristi St. Laurent, Alternate - Present  
Bruce Breton, Selectman Member - Present

**Staff:**

Laura Scott, Town Planner – Present  
Tracey Mulder – Admin Asst. - Present

Mr. LoChiatto opened the meeting at 7:15 pm, followed by the Pledge of Allegiance. Mr. Wren was appointed to sit for Ms. Prendergast.

**Public Hearing on 2-Lot Subdivision Application**

The 2-Lot Subdivision Application hearing for Lot 14-B-3625 on Rosewood Street, has been postponed until the September 2, 2009, Planning Board meeting.

**CTAP Build-Out Analysis Presentation**

Rob Pryne, GIS Specialist, from Rockingham Planning Commission, presented the proposed buildout analysis for the Town. Mr. Pryne addressed the Board stating the scenarios he is presenting are based on current Town zoning and if zoning changes the buildout scenarios will become less valid. Mr. Pryne recapped to the Board that they had requested the following information 1) an in depth look at the roads and zoning layers to insure accuracy 2) confirmation of zoning density because of soil based lot sizing. In addition, Mr. Pryne stated that because of soil based lot sizing it will be difficult to determine buildout density for every lot in town. Mr. Pryne used the Town accessing database to extract parcel and existing building information. He believes this method provides a good indication of what the minimum lot sizing should be for this buildout.

Mr. Pryne reviewed a packet of maps provided to the Planning Board detailing current constraints, existing conditions, zoning, buildable by zone, new units at buildout, and total buildout.

Mr. Pryne went over each map in detail beginning with the Constraints map. The constraints that were used for this map are the National Wetlands Inventory, flood plains, open space, past subdivisions, conservation land and steep slopes at 15%. Mr. Pryne went on to say the National

Wetlands constraints is a very coarse overview of what the wetlands may be and not entirely accurate at the parcel level. The flood plains information was delineated by FEMA and these are not an absolute restraint but are used in the calculation for the buildout lot size. Mr. Pryne noted that a building cannot be put on a flood plain property. Open space from past subdivisions was included per the request from the Planning Board. The Conservation land layer still has a few missing parcels and Mr. Pryne will work with Ms. Skinner to identify what parcels are missing and add update the map accordingly. The steep slope layer included on the map was everything 15% and higher. Mr. Pryne asked the Board for direction on how to proceed reporting the steep slope information on the map. He thought it seemed like too many and wanted to know from the Board if he increased the percentage to 25% and higher if it would reduce the number of steep slopes identified. The Board decided to keep the steep slope data at 15%.

Mr. LoChiatto suggested to Mr. Pryne that he include Town owned land on the next set of constraint maps. Mr. LoChiatto suggested Town own land be delineated by Town own land that is developed as a constraint and Town own land that is undeveloped as non-constraint. In addition, Mr. Pryne was asked to update the maps with the I-93 revisions, available state land and to double check the conservation layer.

The second map Mr. Pryne presented was the Existing Conditions map that outlines all the existing units, unbuildable land uses in the Town. The term 'unbuildable landuses' name needs to be renamed on future maps.

The third map Mr. Pryne presented to the Board identified current Town zoning. Mr. Pryne commented that this map was inaccurate at the last meeting but he took more of an effort this time to ensure accuracy of the map. Mr. Pryne adopted the town colors to indicate the legend on his maps.

The fourth map is the Buildable by zone map and this map identifies raw land that is available for development.

The fifth map identified as the New Units Map is represented with dots indicating where new units might be placed at buildout. Units are place randomly on the map and Mr. Pryne noted the methodology used to calculate buildout was based on existing occurrence of residential and non-residential based on the specific zone. Mr. Pryne gave the example that if a zone was populated by 5% non-residential then the increase buildout analysis reflected an additional 5% non-residential for that zone. Ms. Scott asked Mr. Pryne to update the map and list the number of residential and non-residential units.

The final map discussed by Mr. Pryne was the All Units map and provides an overview of what the Town will look like showing new density combined with existing density.

Ms. Scott requested from Mr. Pryne on the next set of maps that he write out the zoning layers in the legend rather than using abbreviations.

Mr. LoChiatto asked for any final questions and thanked Mr. Pryne for his presentation.

## **Conceptual Site Plan Review**

### Learning Tree Academy Playground (4 Cobbetts Pond Road)

The Learning Tree Academy would like a playground for the children located in the rear of the plaza. This is being presented to the Board to determine if this type of changed needs to have an amended site plan application and public hearing and notification or if this can be done as a conceptual change without going through an amended site plan process.

Mr. Zohdi of Edward Herbert Assoc., Inc., representing Learning Tree Academy, provided pictures of the proposed fence area. Mr. Zohdi was requesting from the Board a slight change in the Site Plan and assured the Board that if the Learning Tree Academy were to leave the Plaza the fence and playground would be removed. Mr. Zohdi is hoping to allow this minor site plan change without going to public hearing. The playground change is so minor Mr. Zohdi believes that aside from this slight change everything will be the same.

Mr. LoChiatto stated that this is more of a discussion of old business not new business and he did not see any reason to deny the change.

The Board asked Mr. Zohdi if equipment would be on the playground and Mr. Zohdi indicated that there would most likely be playground equipment. Mr. Zohdi noted that when the old post office was in the Plaza there was a playground there behind the post office.

Ms. Scott told the Board that should they decide not to have a public hearing on this matter she would write a letter to Learning Tree Academy and Mr. Glynn regarding the submitted site plan change. The letter would outline the criteria regarding the playground area stating that no impervious surface would be allowed, and the playground is to be utilized solely by Windham Learning Tree Academy, and in the future if the Learning Tree Academy changes use then the fence and playground must be removed.

Mr. Breton motioned to approve sending the letter from the Planning Department to Learning Tree Academy and Mr. Glynn stating the approved minor change to the site plan, with the conditions outlined, seconded by Ms. Post. Motion passed 7-0.

## **Sign Permits**

### Training Wheels Driving School 4 Cobbetts Pond Road, Unit #7

Rick Hammer, from Hammer and Sons, spoke about the previous denial for the Training Wheels Driving School sign. Mr. Hammer indicated he wanted to do right by his clients and have exact clarification from the Board to be able direct his clients to what the Board wants when he next presents signs for approval. Mr. Hammer felt he was remiss in sending the sign with the actual color to the Board and he feels that the sign was denied based on the color.

Mr. LoChiatto explained to Mr. Hammer there were two reasons for the sign denial and both have to do with the portion of the sign that says *Driver Under Instruction*. The first reason was due to the exceedingly bright yellow color and the second reason was the sign has the appearance as though it

were two signs rather than one. Mr. LoChiatto made clear to Mr. Hammer that if he wanted to get a sign approved that he should provide the appropriate sample or swatch for the Board to review.

Mr. Hammer wants to know if the bright yellow color could be changed to an imitation gold color using the same logo. The Board was in favor of the imitation gold color and agreed to allow Mr. Hammer to use this color rather than the bright yellow. Further discussion ensued regarding the logo.

Mr. Howie Glynn addressed the Board about a previous Planning Board meeting indicating his discussion with the Board about the color of the signs in the Plaza. Mr. Glynn spoke to the Board about his appreciation that the Board complied with all the signs requirements of the Plaza. He noted that in previous discussions the Board agreed to only entertain a bright color if a corporate entity came in and wanted to use their 'brand' of color. Mr. Glynn stated the Board said they would look at that type of request favorably. Mr. Glynn appreciated the Board keeping with their commitment to enforce the color codes and the signage rules.

Ms. Post asked for clarification regarding the signage and that the *Driver Under Instruction* portion of the sign be used as a decal on the front window. Mr. Breton commented that the plaza signs are in good taste right now, that the *Driver Under Instruction* is not part of a corporate logo, and that it should be taken out or put on a window as a decal. It appears as two signs and this is not a logo but rather a slogan. Mr. Breton did not think this sign had the same aesthetics as the other signs in the plaza. Mr. Hammer said this is part of Training Wheels Driving School branding and advertisement so when the public sees the ad or sign it is a unique identifier of the driving school.

Mr. LoChiatto thought if the letters to the right of the sign that has the *Driver Under Instruction* verbage were left justified so it aligned up with the *Training Wheels Driving School* sign then it would look more like one sign instead of two. The Board further discussed tag lines on signs and that it may open up doors for other businesses to do the same in an undesirable way.

Motion by Mr. Kolodziej to approve the sign for the *Training Wheels Driving School* as submitted with color change, with the logo on the wall of the building, and adjusting the lettering, second by Mr. Okerman. Motion carries 4-3. Opposed Mr. Breton, Mr. Wrenn and Ms. Post.

### **Financial Guarantee Release**

Jackman Ridge Road aka Butterfield Subdivision

Ms. Scott asked to Board to review the email and a report from CLD. Ms. Scott spoke with CLD and CLD thought there were two issues that needed to be addressed. The issues were to replace RIP RAP in one area and to revegetate the pond area.

Ms. Scott did a site visit and did not see the problem CLD referenced in their report.

Ms. Scott spoke with Jack McCartney, from the Town Highway Department, Mr. McCartney did not believe there was a problem with Jackman Ridge, and that he did not agree with the CLD report and thought the money should be released.

Motion by Mr. Kolodziej to release letter of credit \$30,500 Butter field Jackman Ridge extension. Second by Ms. Skinner. Passed 6-0-1. Mr. LoChiato abstained.

### **Meeting Minutes – Review & Approve 8/5/09**

A revision to page 8 of the minutes was noted by Mr. Kolodziej to add the following to the second paragraph “Mr. Kolodziej strongly recommended that we keep the current sign height at 12 feet in the ordinance.”

Motion to approve the minutes of 8/5/09, as amended by Mr. Kolodziej, second by Mr. Okerman. Motion passed 4-0-3. Abstentions by Ms. Skinner, Mr. Wren, and Ms. Post.

### **2010 Town Meeting Zoning Amendment Discussion**

A Planning Board meeting has been scheduled for September 9 for the Board to solicit input from the public on 2010 zoning amendment ideas. The hope is that at the end of the meeting the Board will have a list of proposed zoning amendments that they will be working on for the town. Ms. Scott submitted to the Board a memo outlining the items she thought were a good starting point for the Board to consider prior to the meeting. Ms. Scott spoke about all the various topics and asked the Board to prioritize the items. The Board members agreed to read the memo and provide Ms. Scott with their recommendations. Ms. Post agreed to work on the issues brought up for last town meeting on the WWPD Ordinance.

### **Rules of Procedure Amendment Discussion**

Ms. Scott discussed the Windham Planning Board rules of procedure and about previous conversations with the board about proposed changes. Ms. Scott and Ms. Post made several proposed changes/updates to the document for the Board’s review. Changes were based on comments made by Board members and surveying other towns Rules and Procedures.

Ms. Scott asked the Board to ignore section 2.4 where she had proposed eliminating the Secretary position and it was decided that this section would remain.

Ms. Scott suggested the Board read, discuss, and revisit on this discussion on September 9, and if they were to adopt any changes they must be brought before a public hearing. There is not a deadline to finalize the Rules of Procedure.

Mr. LoChiato indicated he would like to read them again and commended Ms. Post and Ms. Scott for their hard work and efforts in revising this document.

Ms. Post noted that after surveying several towns the trend is to move away from the Board Secretary position and have minutes and recording performed by staff. Ms. Post also discussed that rather than eliminating the Board Secretary position altogether as in other surrounding communities, the Secretary could take on responsibilities such as reading official heading notices into the record and maintaining records of who has been designated as an alternate for voting.

Mr. LoChiato agreed these were also topics for discussion and this could be included as an agenda item for the September 9, Planning Board meeting.

### **Board Members Update**

- Board of Selectmen – Mr. Breton noted Mr. Howie Glynn and the Windham’s Businessmen’s Association donated a Keurig coffee machine to the Planning Department.
- Capital Improvement Program Committee – Mr. Okerman spoke about the CIP meeting between the police department, fire department and BOS regarding their presentations. The CIP’s next meeting will be on September 1, with Recreation and Highway Departments presenting.
- Windham Economic Development Committee - Ms. Post updated the Board that the Economic Development Committee has been working diligently meeting every Friday. Ms. Post asked everyone to mark their calendars for September 17 at 7:00 p.m. at the High School where they will be hosting an event to present to the public what they have been working on for the past few years. The keynote speaker will be Alex Ray, owner of the Common Man chain of restaurants. Dr. Bass from SAU School District will speak about partnerships with business and education in the Town.

### **Planners Report**

The Planners Report was included in the packet that was submitted to the Board.

Mr. Kolodziej inquired about the status of the new business on the 111 by the driving range. Ms. Scott responded that this has all been taken care of and ensured she is doing all possible for an easy transition for the new tenant.

### **Miscellaneous Items**

Mr. LoChiatto discussed training opportunities available for Board members and staff. The Office of Energy and Planning is offering a Municipal Law Lecture Series during the month of October. All interested in attending need to inform Ms. Scott by Friday, August 21, 2009.

Mr. LoChiatto discussed the request from the Planning Board to the Board of Adjustment for notification on any new applications. At the last Zoning Board meeting an application by Fournier Realty Trust to add two 30 gallon above ground propane storage tanks at the fuel depot on Lowell Road was denied.

Mr. LoChiatto read into the record that a variance was granted for Robert & Carol Perrault for section set back on Horseshoe Road for reconstruction and expansion for their front porch as well as construction of an addition to the back of an existing house.

Mr. LoChiatto read into the record an invitation by Mr. John Pallaria, President of the Cobbetts Pond Improvement Association, for a meeting at the Library regarding the Cobbetts Pond Watershed Restoration Project. The Meeting will be held on Saturday, August 29, at 9:30 a.m.

Mr. LoChiatto reiterated Mr.Okerman’s statement that the CIP Funding levels are held at 100K this year but will be changing to 50K in the budget cycle for 2011.

Mr. LoChiatto read into the record, in part, a letter from Mr. David Sullivan, Town Administrator, informing the Board that Mr. Peter Griffin has been appointed for another 4-year term as the Regional Planning Commissioner.

The Board discussed a letter written in October 2008, from Attorney Bernard Campbell to Mr. LoChiatto, Chairman of the Planning Board, regarding Mr. Campbell's legal opinion about impact fees. This letter was marked confidential and not released to the public. Mr. Breton stated that the BOS would like this letter released to the public because some residents have questions regarding the legality of impact fees. Releasing this letter may help to clarify some issues surrounding impact fees.

Mr. Kolodziej made a motion to release the memo. Motion seconded by Ms. Skinner. Motion passed 7-0. Motion passed 7-0.

**Adjournment**

AT 9:30 p.m. Mr. Kolodziej motioned and Mr. Okerman seconded the motion to adjourn. Motion passed 7-0.

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