



*OLD VALUES - NEW HORIZONS*  
**COMMUNITY DEVELOPMENT**

PO Box 120, Windham, New Hampshire 03087  
(603) 432-3806 / Fax (603) 432-7362  
[www.WindhamNewHampshire.com](http://www.WindhamNewHampshire.com)

**Planning Board Meeting**  
**November 18, 2010**

**Roll Call Planning Board:**

Phil LoChiatto, Chairman – Present	Rick Okerman, Vice Chair – Excused
Ruth-Ellen Post, Member – Present	Bruce Richardson –Excused
Kristi St. Laurent, Member –Present	Sy Wrenn, Alternate – Present
Pam Skinner, Member - Present	Bruce Breton, Selectman Member – Present
Louis Hersch, Alternate - Excused	Lee Maloney – Alternate - Excused
Ross McLeod, Selectmen Alternate Member – Excused	

**Staff:**

Laura Scott, Community Development Director – Present  
Elizabeth Wood, Community Planner - Present

**Call to Order/Attendance/Pledge of Allegiance**

The meeting was called to order by Phil LoChiatto at 7:03 pm, followed by the Pledge of Allegiance.

Sy Wrenn is seated for Bruce Richardson.

**2011 Town Meeting Workshops:**

**Signs, Section 706**

Ms. Wood went over the revised draft of the sign ordinance that was presented to the Board. The current draft is based on feedback from the Board and Public at previous workshops held on September 28<sup>th</sup> and November 3<sup>rd</sup>. At the previous workshop there was concern as how to regulate signs along right-of-ways; therefore, Section 706.4.2.2 regarding wall signs on building facades was reworded to regulate the wall signs along both public *and private* ways. Comments from Ralph Valentine were also submitted on this Section, and for other Sections of the sign ordinance and were provided for the Board to review.

Ms. Post said that she thinks that the Sign ordinance is fine. She recommended an edit to Section 706.4.2.2 to clarify the language.

Ms. Wood stated that Mr. Valentine's comments were highlighted. Mr. Valentine suggested that one wall sign be permitted per occupant on the side of the main entrance. Since the main entrance isn't always the side of the building facing the public right-of-way, she did not feel this language would work.

Ms. St. Laurent asked if you have a building that fronts two (2) rights-of-way on a corner, would they be able to have the same size sign on both facades?

Chair LoChiatto quoted 706.4.2.2 saying that "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."

Ms. St. Laurent brought up the point that if a multi building fronts both a public right-of-way and a private parking area, they would may have lots of signs on both ways.

Ms. Wood clarified saying that only the corner tenant would be able to have an additional sign, not all of the tenants in the complex.

Chair LoChiatto addressed the other part of Ms. St Laurent's question. In a Commercial A Zone, the maximum wall signage is 100 sq. ft.

Ms. Wood pointed out that, according to Section 706.8, the maximum size in a Commercial A building may be 100 sq. ft. or 10% of the square footage of the total façade.

Mr. LoChiatto pointed out that intent of the ordinance is understood but that the language was not clear.

Ms. Post, Ms. St. Laurent, and Mr. LoChiatto suggested language to amend Section 706.8, footnote D to read more clearly.

Chair LoChiatto referenced the definition of "Sign" and suggested that a note be added to state that street numbers are not a sign.

Ms. Wood said that street numbers technically are signs and a note was added in section 706.5.4 to state that street numbers would not count toward allowed sign size.

Chair LoChiatto asked Ms. Wood about the comments provided by Mr. Valentine.

Ms. Wood said that some of Mr. Valentine's pervious comments have been implemented into the current draft. Additional comments were supplied regarding the chart but this may be too much to tackle at this point.

Selectman McMahan asked about regulation of window signs at multi-tenant complexes. He wanted to know where the ordinance addressed this.

Chair LoChiatto said that this can be found in Section 706.6.9 of the ordinance.

Ms. Wood said that the previous ordinance did not address this and the revise draft was attempting to allow for businesses to advertise their hours of operation and perhaps a menu.

Mr. McMahan said that in this business climate, business should be allowed to put a sign inside of their building without first obtaining a building permit. It is hard for folks to stay in business these days, and businesses want to add window signs to generate more business.

Chair LoChiatto said that there are some concerns with window signs. He said that in the past he worked in the retail business as a designer and worked on signs all over the country. A window sign right up against the window is nothing more than a wall sign.

Mr. McMahan said the point is taken.

Mr. LoChiatto said that the one (1) square foot provision allows for a business to advertise some information, and a different provision in the sign ordinance would allow a business to have a window sign if not all wall signage was consumed. Additionally a business owner could apply for a temporary sign permit.

Mr. McMahon is concerned with the over regulation of signs in Windham. One (1) sq. ft. is a small size. Is it possible to consider that a percentage of the window be allowed for signs?

Mr. McMahon asked what the fees are for permanent sign and temporary sign permits.

Ms. Wood said that the fee for a Permanent Sign is \$25 application fee plus \$2 per square foot and \$15 for a Temporary Sign Permit.

Mr. McMahon said that business want to advertise their specials. Can we make it less difficult for businesses to advertise? Perhaps by not regulating window signs?

Chair LoChiatto said that there is a section in the sign ordinance that allows for temporary signs in Section 706.6. These could be placed in the window. The concern with window signs is that a business will fill up their entire window space with a sign. Is that really what we want in Windham?

Mr. McMahon wants to know if we can give businesses an edge with signs and not have a permit fee for signs placed within a building?

Ms. Post said that she wanted to hear from the public and respond after they have finished.

Mr. McMahon asked about A-frame free-standing sandwich board signs. Is one allowed at a time per tenant space?

Ms. Wood said one per tenant. It was not regulated in the previous ordinance what-so-ever. The proposed ordinance as it is does not require a permit for this. Technically if it is not spelled out in the ordinance, it is prohibited. Same with window signs, it is not spelled out in the ordinance, so technically they are prohibited.

Mr. Breton said that he agrees with Mr. McMahon on the window signs. One (1) sq. ft. is pretty small and if it counts and open or closed sign, not much signage is left for advertising.

Ms. Wood pointed out that there was a Section added for "Open" signs, and an additional Section for other advertising information.

Mr. Breton sees the point of preventing a window sign from covering the whole window. Maybe the ordinance could worded to read that a window sign does not exceed 40% of the window space.

Ms. Skinner wants to know how painted advertising on windows would be regulated.

Ms. Wood said that it would be considered a window sign.

Ms. Skinner asked if they would have to pay for sign permit for this.

Ms. Wood said, yes, they would have to apply for a temporary sign permit.

Ms. Wood said that if there is no limit on window signs, there is a loophole provided for business owners to have additional wall signage.

Ms. Post referenced the window signs at Shaws advertising specials. She said that

Ms. Wood said that the intent of the Section 706.5.9 was to allow for some advertising, but keeping it contained.

Ms. Post does not think this will be enforceable.

Ms. Wood pointed out, that as it stands window signs are not allowed because there is no language providing for them in the ordinance. She asked the Board if they had any suggestions for language that would reach a happy medium. If we do not add a provision for window signs, staff will have to go around enforcing all window signs.

Mr. Breton says that in the 20 years he has been in town, he has never heard a complaint about a window sign. He asked as to why it is necessary to start regulating them now. He believes there will be a rebellion in town if we start enforcing them.

Mr. LoChiatto says that Mr. Breton is missing the point that they already are not allowed.

Ms. Wood said that it is not stated as prohibited and it is not stated as allowed. Ms. Wood said that there was a complaint that in the past, there was a staff member that made businesses take down their "We ID" and all other window signs.

Mr. Breton recalled that incident. He said that a business owner was forced to take down \$3,000 worth of window signs in the past.

Mr. LoChiatto asked the Board if they wanted to remove the window sign provision from the ordinance.

Mr. Wrenn said that he thinks there needs to be some kind of provision regulating, perhaps window signage.

Ms. Skinner proposed to take out provision regarding window signage.

Ms. St. Laurent suggested that the provision be taken out for now and be put on a list of things to work on.

Ms. LoChiatto said, it seems the pleasure of the Board is to strike Section 706.5.9 and Section 706.4.2.3 regarding the regulation of window signs.

**Ms. Post made a motion to move the Proposed Sign Ordinance to Public Hearing as amended. Ms. St. Laurent seconded the motion. The motion was approved 5-1 with Mr. LoChiatto opposed.**

Wetland and Watershed Protection District, Section 601

Ms. Wood noted that this workshop was originally scheduled for 11/3/10 but was postponed to the 11/18/10 Meeting. She went over the revisions that were made from the previous workshop that was held on October 20<sup>th</sup>. Included in the packet were suggested revisions from the Conservation Commission and from John McRobbie, a member of the public.

Ms. Post asked as to why Section 601.8 (c)

Ms. Wood says that the Section was taken out because the Board felt that was a loophole for conditional uses. Chair LoChiatto said that the terminology used in that Section was too broad.

Joe Maynard of Benchmark Engineering, mentioned his concerns regarding Section 601.4.1 (e) regarding slopes. He said that a 12% slope is a desirable slope. He says that this takes out a large part of usable land out of the equation.

Mr. Wrenn asked Mr. Maynard what he thinks the slope should be.

Mr. Maynard said a 20% slope. He also commented about the buffer distances. He feels that a 100 foot buffer is excessive.

Ms. Wood recalled the 12% slope being a point of contention at the workshops last year.

Bill Schroder, Woodvue Road, had a couple of questions. He asked for clarification regarding the draft ordinances that were provided for the evening. He asked if the staff's draft included the edits from the Conservation Commission and comments from Mr. McRobbie.

Chair LoChiatto said that although some of the comments made by the Conservation Commission were implemented into the current proposal, the overall comments had not been implemented into the current draft. Mr. McRobbie's comments had not been implemented into the current draft. There needed to be discussion from the Board and the public before this would be done.

Mr. LoChiatto said that staff had been directed to provide the Conservation Commission and Mr. McRobbie's edits as separate documents for the Board and Public to review. It didn't seem right for staff to pick and choose which edits to implement.

Mr. Schroder asked if tonight's proposal would replace the current WWPDP ordinance?

Ms. Wood said, yes, the intent of the ordinance is the same; however it is pretty much a complete rewrite.

Mr. Schroder said that his concern in rewriting the ordinance completely, is that a person who is very knowledgeable about the WWPDP review it to see if the intent is met by the language.

Chair LoChiatto thanked Mr. Schroder for his comments.

Mr. John McRobbie, 2 Birchwood Rd., presented his suggested edits to the Board. He said that his edits, included in the packets, are administrative and make the ordinance more user-friendly. The edits also clarify the resource areas and make the ordinance more technically correct.

Ms. Dunn said that tonight was her first time looking at the ordinance. She did have a question about State regulation regarding Innovative Land Use Control.

Mr. Breton said that the consultant spent 45 minutes explaining that point last year. Chair LoChiatto said that there is no budget to bring the consultant back this year.

Mr. Wrenn suggested that the contract engineer, Steve Keach, look at this draft again.

Chair LoChiatto asked the Board as to what their pleasure is with this ordinance.

Mr. Breton said that much work needs to be done to the WWPDP ordinance and that the Board has too much on their plate already for this year. He suggested that the Board withdraw this ordinance from this year's warrant.

**Mr. Breton made a motion to drop the WWPDP amendments form Section 601 from the Board's work this year. Seconded by Ms. Skinner. Motion was approved 6-0.**

Cobbetts Pond Watershed Overlay Protection District, Section 616

Ms. Wood said that this is the 2<sup>nd</sup> workshop on this item. There were a few edits made from the last draft. The definitions section was reformatted to be alphabetical. Some definitions were cleaned up. At the last meeting there was no final conclusion as to the definition of "development." She asked the board for their feedback on this definition. Included in the packets were comments from Joseph Maynard.

Chair LoChiatto said that he would prefer one copy of the ordinance, the draft with the strike-throughs. A clean copy is not need.

Ms. Wood went over the definition of "development." She went over the edits that she made to the definition.

Mr. Maynard went over the 10/27 memo that he had provided for the Board with his editing suggestions. He stated that in Section 616.6.2 should be reworded to allow for a qualified professional to create the Erosion Control study and not limit it to a professional engineer. In terms of the definition of development, he is fine with keeping the term "subdivision" in the definition but not including "lot line" adjustments.

After discussion with the Board and public, regarding the definition of "development," it was agreed to add in a provision to the definition stating that lot-line adjustments are exempt, strike road, driveway, and parking area, and add previous permeable area.

Mr. Maynard suggested that a provision be added to 616.10.2 stating that, for lots currently exceeding 30% impervious area, redevelopment must decrease the percent of impervious area.

Mr. Maynard suggested that the words "and wetlands" be removed from Section 616.8.1.

Mr. Maynard mentioned concerns of place a driveway no close than 75 ft from the pond. The Board said that they did not have the expertise to evaluate this concern at this time.

Ms. DiFruscia said that the Shoreland Protection Act does not protect everything that the CPWD protects. She mentioned her concerns regarding buffers. She also spoke about concerns regarding who prepares the Erosion and Sedimentation Control plan.

Ms. Post asked Mr. Maynard and Ms. DiFruscia to work together and provide the Board with a recommendation for additional language as to "what is a qualified professional."

Ms. DiFruscia and Mr. Maynard worked with the Board and agreed to amend Section 616.6.2 to require that a Erosion and Sedimentation Control plan be prepared by an engineer licensed in the State of New Hampshire or a

qualified professional familiar with erosion control measures and procedures and acceptable to the Town Engineer.

**Ms. Post motioned to move the Cobbetts Pond Watershed Protection District ordinance to Public Hearing as Amended. Seconded by Mr. Wrenn. Motion Approved 6-0.**

Non-Residential Zoning Districts and Map

There was discussion about the proposed changes to the zoning map. The Board felt that this would take too much time tonight at such a late hour. The Board decided to focus discussion tonight on the Commercial B parcels and move the remainder of the map discussion to the December 1<sup>st</sup> meeting.

The 4 parcels that are zoned Commercial B are proposed to be Commercial A. Concerns were raised about rezoning land so close to Cobbett's Pond Commercial A and zoning residential lots to Commercial A.

The Board decided to propose that the NHDOT parcel (17-I-2) and the 2 residential lots (17-J-51 & 17-J-50) be rezoned Residential A and that Castleton (17-J-1) be Commercial A.

Ms. Scott stated that the map changes and the deletion of Commercial B from the Zoning Ordinance would be one question on the ballot.

Bruce Breton made a motion to hear new business after 10pm. Seconded by Sy Wrenn. Vote 6-0.

Ms. Scott explained that this was a workshop to discuss the proposed Zoning Ordinance changes to the non-residential zoning districts. The main purpose was to make the language consistent thorough the districts, to clarify language, and to modify the uses to be consistent with the purpose of the districts.

The Chair felt that it would be best to go Section by Section through the proposed changes.

Section 200 Definitions. No comments or questions

Section 602 Rural District. To ensure that there was no confusion about the proposed what "limited commercial" uses meant, the Uses Permitted Sections 602.1 and 602.2 should be referenced in the first sentence.

Section 604 Neighborhood Business District. Concerns were raised about the proposed language in the purpose section. That it was too subjective and could change the intent of the District. After much discussion, the board decided not to support the proposed language changes. Section 604.1.1 proposed to remove the language "for supply of the normal shopping needs of and for consumption by the residents of the area", which raised concerns about larger retail stores being allowed and how that was not the intent of this District. The Board decided not to support the proposed language.

Section 605.1 Business Commercial A District. The Board felt that warehouse facilities were should not be an allowed use in this district.

Section 605.2 Business Commercial B District. The Board agreed that this should be deleted

Section 605.3 Gateway Commercial District. There were concerns about the impervious surfaces that would result from the proposed changes and how that would negatively impact Canobie Lake and Cobbetts Pond. It was stated that the proposed changes seem to be too board in scope.

The Board changed the proposed language to prohibit drive-through. It was clarified that “hotels, lodging houses, and motels” were all being proposed as allowed uses in this District.

The Planning Board read the purpose of this District and felt that the changes proposed meet that stated purpose.

It was pointed out that the Cobbetts Pond Watershed Protection District is still in place and regardless of what uses are allowed in the underlying district, those protections are still in place and need to be followed. Almost all of the Gateway District is in the Cobbetts Pond Overlay District.

Section 606 Limited Industrial District. The Board felt that the additional language in the purpose was not necessary.

Section 612 Village Center District. The Board felt it was confusing to list residential uses that do not need site plan under the uses that do need it. It was recommended that Section 612.2.7 be moved in the Uses Permitted Section.

Section 614 Professional Business and Technology District. There was discussion about the list of proposed uses in this District and if it was too broad. The Board felt that due to the late hour and no clear consensus as to what to amend, that it should not be amended.

**A motion was made by Ms. Skinner to move the proposed non-residential zoning ordinance changes and the Commercial B map changes to public hearing. Seconded by Mr. Breton. Motion passed 6-0.**

#### **Meeting Minutes Review and Approve-November 3, 2010**

The meeting minutes were not included in the packets for Board members to review so this item was postponed to the December 1<sup>st</sup> meeting.

#### **Member Updates**

- **Board of Selectman**
- **Windham Economic Development Committee**
- **Conservation Commission**
- **Wall Street Corridor Study**
- **Rockingham Planning Commission**

This item was postponed to a future Planning Board meeting, date to be determined.

#### **Adjournment**

**Motion to adjourn at 11:58pm by Ms. Skinner. Second by Ms. Post. Motion passed 6-0.**