



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes
March 30, 2011

Roll Call:

Ruth-Ellen Post, Chairwoman - Present
Margaret Crisler, Vice-chair – Present
Pam Skinner, Member – Present
Kristi St. Laurent, Member – Present
Jonathan Sycamore, Member – Excused

Carolyn Webber, Member - Present
Sy Wrenn, Alternate – Present
Lee Maloney, Alternate - Excused
Kathleen DiFruscia, Selectman Alternate – Present
Ross McLeod, Selectman Member - Excused

Staff:

Laura Scott, Community Development Director – Present
Tim Corwin, ZBA/Code Enforcement Administrator – Present
Mimi Kolodziej, Planning Assistant – Present

Call to Order / Attendance / Pledge of Allegiance:

The meeting was called to order by Chairwoman Post at 7:03 p.m. followed by the Pledge of Allegiance. The Chairwoman appointed Mr. Wrenn to sit for Mr. Sycamore for this meeting.

Public Hearings:

Case #2011-6 Minor Site Application for 2 Winter Street, Lot 19-B-912

A Minor site application has been submitted for 2 Winter Street (Lot 19-B-912), located in the Rural District. The property is improved with a single family home and is used as a residence and as an Alpaca farm. The applicants, Robert and Pamela Lundquist, propose to use a portion of the residence to periodically operate a retail store/open house, selling miscellaneous consumer products related to the Alpaca farm use. A variance was granted on January 11, 2011 from Section 602.1 to permit a retail store use in the Rural District. The applicants are seeking a Minor Site Plan approval for their proposed retail store, as is required by Section 503 of the Zoning Ordinance.

Vice-chair Crisler read the Application into the record.

Mr Corwin presented an overview of the applicants' intent to run a retail store out of their home selling Alpaca related products for which a variance from Section 602.1 was granted with several conditions.

- A majority of the retail sales must be agriculturally related products;
- All retail sales are to be inside the residence in an area not to exceed 350 sq. feet;
- Open houses and retail sales are allowed to take place each year from September 1 through January 1; and
- Hours of operation are to be 10 a.m. – 5 p.m. Saturday, Sunday, and holidays.

An additional variance to display a temporary sign on the property was also granted. The 3/8/2011 TRC meeting had no comments on this application. Staff has no concerns.

Vice-chair Crisler made a motion to accept the Minor Site Plan Application. Seconded by Ms. Skinner. Motion approved: 7-0.

The applicant, Pamela Lundquist, explained that the farm houses several Alpacas, which are available to the public for educational purposes. The public is allowed to touch their fleece, feed them, and walk them while the owners offer a variety of educational facts about them. Various Alpaca products are gloves, scarves, blankets, and sweaters which they hope to sell in their retail store, which is open September - January.

Vice-chair Crisler asked about the hours of operation. The applicant stated their hours would be from 10 a.m. to 5 p.m. Saturday and Sunday.

Vice-chair Crisler inquired about the type of exterior lighting on the property. The applicant stated there was one lamp post, two front door lights, two garage door lights, and a couple of spotlights directed toward the driveway.

Vice-chair Crisler asked about the number of available parking spaces. The applicant described a 122' X 14' paved driveway that would accommodate eight (8) cars with space for more on the side. The adjacent, unpaved driveway will not be paved. Vice-chair Crisler asked about safety concerns. The applicant explained that the animals are in a padlocked, fenced-in area for their own protection from predators. The one occasion an animal did get loose outside the coral; it ran directly back into the fenced-in area. The applicant felt there were no safety concerns.

Chairwoman Post and Mr. Corwin clarified that because the applicants requested a variance for a temporary sign, not a permanent sign, there was no need for a site plan approval.

Chairwoman Post opened the hearing to the Public.

Representative Rick Okerman of 3A Marblehead Road congratulated the new Planning Board members on their recent election. He encouraged the Board to support the applicants' request as both the Town's Master Plan and the State's RSA 21-34-A support proper management of remaining farms and preservation of open space. It is his opinion that this is a natural extension of the current use of the applicants' property and is overall good business as they would be purchasing and selling their products locally.

Chairwoman Post closed the Public Hearing.

Vice-chair Crisler made a motion to approve the application as presented. Seconded by Ms. DiFurscia.

Ms. Webber shared that she has been to the applicants' farm and thinks it is a great place for children; she supports their request. Ms. DiFruscia thanked Mr. Okerman for informing the Board of the State RSA and noted that the neighbours must also approve of this venture or they would be present to express opposition. Chairwoman Post appreciates this venture at a time when farms are dwindling.

Motion approved: 7-0.

Case #2010-12 WWPD Special Permit Application for 2 Wilson Road (24-F-5100)

A Wetlands and Watershed Protection District (WWPD) Special Permit Application has been submitted for Lot 24-F-5100 (2 Wilson Road) in the Rural District, Aquifer Protection District, and the WWPD District. The applicant, Paul Chicklis, is requesting a Special Permit to allow the existing pool and associated accessory structures (foundation, patio, and fence) to be located within the WWPD. A Variance was granted on April 27, 2010 from Section 601.3.

Vice-chair Crisler read the hearing into the record.

Ms. Scott explained that this application is a result of a few years of Town code enforcement involvement and compliance efforts on Mr. Chicklis' part. A variance was applied for and received in April 2010 for the WWPD impact, a copy of the notice of decision was included for your review. The variance was previously supported by all the participating departments of the TRC, including Conservation, and issues with the Department of Environmental Services have been resolved. Currently, part of the pool, fence and foundation exist within the WWPD.

Ms. Skinner made a motion to accept the application for a Public Hearing. Seconded by Ms. Webber. Motion approved: 7-0.

Mr. Peter Zohdi explained that he has been involved with this case since being approached by the applicant's councillor some time ago and has worked frequently with both the applicant's and Town's Council. He explained that the original sub-division plan does not show the existence of any WWPD. The applicant applied and received a proper permit to build his pool, fence, and foundation and proceeded to build it. Over the course of the next year, the Town's WWPD rules changed. Mr. Zohdi accompanied by members of the Conservation Commission took two site walks to assess the situation; all parties deciding that to remove the pool would cause more damage to the WWPD than to leave it as it is. During the first site-walk visit of the Conservation Commission, a checklist was created to clean-up areas around the WWPD. Mr. Chickliss completed the clean-up checklist, another site walk with the Conservation Commission was taken and a letter of approval was sent from the Conservation Commission to the ZBA. The ZBA granted the applicant permission to maintain his pool in a portion of the newly determined WWPD.

Vice-chair Crisler expressed concern about discharge of pool cleaning chemicals into the WWPD. Mr Zohdi explained that the discharge is away from the WWPD and agreed to note on the plans that no discharge is to be made into the WWPD.

Mr. Wrenn asked if there was an original permit given for this project. Ms. Scott, who has been with the Town for 2 years, responded that this has been going on for at least 4 years, and her investigation into the history indicates that there was an original permit granted, and there seems to have been an effort to rescind it at a later date. A question about the validity of the original permit was broached by the various Committees involved without resolution.

Mr. Zohdi believed that the Conservation Commission allowed the pool to remain because Mr. Chicklis had been responsive to other site conditions; for example, the Conservation Commission requested that Mr. Chicklis discontinue a driveway which now went through the newly determined WWPD. He complied. They requested the planting of shrubbery at certain locations; Mr. Chicklis complied. Ms. St. Laurent expressed concern that there should be a screening of shrubbery to prevent disruption of WWPD. Mr. Zohdi explained that his driveway no longer goes through the WWPD, and there is a further condition that the applicant is not allowed to park any vehicles in the WWPD corner.

Chairwoman Post opened the hearing to the Public. Hearing no comment, she closed the Public Hearing.

Vice-chair Crisler made a motion to approve the application with the condition that a note will be placed on the Plan to request that no discharge of water or chemicals be made from the pool into the WWPD. Seconded by Ms. St. Laurent. Motion approved: 7-0.

Existing Site Plan Request for Sign Change: Lot 16-D-450 (32 Indian Rock Road)

Ms. Scott explained that this request is for the back building of the newly constructed B&H Oil lot at 32 Indian Rock Road. The Planning Board approved this site plan with the requirement that the signage be dark lettering on a white background. At that time the applicant agreed. Two of the six signs have met the requirements, and it is the other four that need to be addressed tonight. Mr. Corwin did not feel that this Sign

Permit submitted met the Intent of the previous Board and did not approve it. The options before the Board tonight are to keep or reject the current signage requirement.

Chairwoman Post clarified that Mr. Zohdi's intent is to modify the signage requirement placed on this site plan.

Mr. Zohdi explained that a couple of the companies have customer recognized logos and colours which they are obligated to use. The parent company offers some latitude on the colour. He presented the Board with a variety of colour swatches which he hoped they would approve. Karen Hasselback, manager of Anytime Fitness, shared her company's colour choices.

Vice-chair Crisler suggested that the purpose of the signage is to be readable. She suggested that if The Art of Strength uses the darker orange, it will meet the intent of the requirement. The Great Escape Therapy with its dark letter colouring also meets the requirement with the logo standing as it is. If the ITA and Physical Therapy companies change their lettering to black and maintain their logo colouring, they also would meet the requirement.

Ms. Hasselback said that Scott, the owner of the Physical Therapy business which has been in business locally for ten (10) years, would prefer keeping his recognized maroon and gold or would agree to a deeper maroon, if possible.

The Board continued their color selections with discussion.

Ms. Webber recommended that the businesses be allowed to use their own customer recognized colours and logos as an additional safety factor. Ms. DiFruscia concurred with Ms. Webber's suggestion and added that she thought the signs were attractive as they were. Chairwoman Post also thought they were fine as is.

Vice-chair Crisler made a motion to change the current signage requirement so that:

- **The Art of Strength sign is acceptable as presented with a change to the darkest orange in their logo;**
- **Great Escape is acceptable as presented;**
- **Independence Therapy Associates may keep their logo and use the dark blue lettering; and**
- **The Art of Physical Therapy may keep their logo and use a darker maroon lettering.**

Seconded by Ms. Webber. Motion approved: 5-2 Chairwoman Post and Ms. St. Laurent voted against it.

Recap of Internal Planning Board Process:

Ms. Scott, for the benefit of the four new Board members, highlighted four (4) areas that may assist them in understanding the behind the scenes processes:

- Submission Schedule – How and when an applicant needs to submit their request for Board consideration.
- Technical Review Committee – Who are the members, what is its purpose, and how it proceeds.
- Meeting Agenda – How it is created and who creates it.
- Meeting Packets – How they are organized and when they are available to the Board.

2011 Proactive Work List / 2012 Town Meeting Work List:

Ms. Scott re-capped an 18 point 2011 Work List / 2012 Town Meeting Work List that has built itself over the past few years from the previous Planning Boards' interests. Ms. Scott will create an assignment matrix of these tasks for which the Planning Board members may volunteer at the next Planning Board Meeting on April 6.

Meeting Minutes Review and Approval:

March 2, 2011 Minutes

Vice-Chair Crisler made a motion to approve the Planning Board Minutes as presented. Seconded by Ms. Webber. Motion approved: 3-0-4. Chairwoman Post, Mr. Wrenn, Ms. Webber, and Ms. DiFruscia abstained.

March 16, 2011 Minutes

Ms. Skinner questioned the vote count on the election of Vice-chair. Ms. Kolodziej will review the video and correct the count.

Vice-chair Crisler and Chairwoman Post recommended alternative language for the motion to approve Case #2011-4 – Customary Home Occupation by removing the condition for the hours of operation. Ms. Kolodziej will amend the language of this motion.

Vice-Chair Crisler made a motion to accept the March 16, 2011 minutes as amended. Seconded by Ms. Skinner. Motion approved: 5-0-2. Mr. Wrenn and Ms. DiFruscia abstained.

Motion to adjourn by Ms. Skinner. Seconded by Ms. DiFruscia. Motion approved: 7-0.

Meeting adjourned at 9:47 p.m.

These minutes are respectfully submitted for approval by Mimi Kolodziej.