



OLD VALUES - NEW HORIZONS
COMMUNITY DEVELOPMENT

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Planning Board Minutes
June 1, 2011

Roll Call:

Ruth-Ellen Post , Chairwoman - Present
Kristie St. Laurent, Member – Present
Pam Skinner, Member – Present
Margaret Crisler, Vice-chair – Present
Carolyn Webber, Member – Present
Kathleen DiFruscia, Member –Excused

Ross McLeod, Selectman Member - Present
Jonathan Sycamore, Member – Arrived 8:15 p.m.
Lee Maloney, Alternate Member - Excused
Sy Wrenn , Alternate Member – Excused
Vanessa Nysten, Alternate - Present
Rob Folan, Alternate - Present

Staff:

Laura Scott, Community Development Director – Present
Elizabeth Wood, Community Planner – Present
Mimi Kolodziej, Planning Assistant – Present

Call to Order/Attendance/Pledge of Allegiance:

Chairwoman Post opened the meeting at 7:03 p.m. followed by roll call, attendance, and the Pledge of Allegiance.

Chairwoman Post appointed Rob Fallon to be seated for Mr. Sycamore.

Public Hearing Case#2011-14/Customary Home Occupation

A Customary Home Occupation Application has been submitted for 119 Rockingham Road (3-B-112), located in the Rural District. The applicant, James Hatzos, is seeking a Conditional Use Permit to operate this business as a Customary Home Occupation pursuant to Section 602.1.6 of the Town of Windham Zoning Ordinance. In addition, the applicant is seeking approval for an existing 24sq. ft. freestanding sign advertising the pool table business.

Vice-chair Crisler read the Application into the record.

Ms. Wood explained that the applicant was unable to attend the meeting, and she reviewed the documents in their packet. Mr. Hatsos, who has been in business since 1994 refurbishing pool tables and retailing small related items, is now seeking to come in to compliance. He has sought and received a variance from the Zoning Board for his existing sign which is too large for the rural district. The Planning Board must review his sign permit for which they had color copies. TRC had no issues and the Fire Department's concerns have been addressed.

Mr. McLeod requested that Ms. Wood identify the applicant's location on the Boardroom map so the Board members could see that his rural district is on a major commercial byway, route 28. Ms. Webber asked whether the sign may block the line of sight. Ms. Wood explained that it was 10'

back from the road's edge. Vice-chair Crisler asked about this variance transferring to a new owner. Ms. Wood explained that if a new owner wanted to open up the exact type of business they could; however if they wanted to open up a different type of new business, they would need to come before the Board.

Ms. Skinner made a motion to accept Case #2011-14 Customary Home Occupation application as complete. Seconded by Mr. McLeod. Motion passed: 7-0

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

Mr. McLeod moved to approve the Customary Home Occupation conditional use permit pursuant to Section 602.1.6 as it is in keeping with the spirit and intent of the ordinance while located on route 28 where it will not interfere with abutters' use of their property and noting that the Zoning Board has already approved the sign. Vice-chair Crisler seconded.

Vice-chair Crisler offered an amendment that the applicant will not have any additional employees.

Mr. McLeod agreed to accept the amendment given Mr. Hatsos representation in his conditional use permit. Motion passed: 7-0.

Vice-chair Crisler motioned to approve the sign as presented. Ms. Skinner seconded.

Ms. Webber wanted to know what 24 sqft looks like and does the sign include the smaller sign below. Ms. Wood explained that the smaller sign is included and the applicant's sign is 6' X 4'.

Motion passed: 7-0.

Conditions of Approval – Case#2010-39 125 Indian Rock Road (12-A-532)

Ms. Scott explained that this is not a hearing; but that there are two conditions of approval attached to this case which need the Board review and approval.

Mr. Carl Dubay explained that the Thompson family, the site owner, has voluntarily spent additional money to address the Board's lighting concerns by enlisting the help of a lighting designer to drop the height of the designer light poles, and use LED technology to be dark sky friendly throughout the project which has dropped the light intensity significantly.

Mr. Peter March from New Hampshire Signs presented the signage plans for this project.

Vice-chair Crisler motioned to approve the signage plan and the lighting plan as submitted. Seconded by Mr. McLeod.

Vice-chair Crisler requested that the original architectural lighting design document be signed by Chairwoman Post to ensure that the final result looks like the document's rendition. Chairwoman Post initialed the document.

Motion passed: 7-0.

2012 Zoning Amendment Workshop – Non-Residential Zoning Districts

Chairwoman Post suggested revisiting the guiding principles and the overall intent and spirit of the zoning districts; additionally to address language clean-up where there is lack of clarity or conflict in the Purpose Section of each District. Because there were several people attending the meeting who were interested in the Neighborhood Business District, the Board decided to tackle this District first.

Ms. Scott recommended utilizing the computer system in the boardroom to make the current text available to the Public.

The Board and Public entered a brainstorming session which resulted in the following suggestions:

- Limit the # of parking spaces
- Low density of businesses in this district
- Limit the # of employees
- Establish a square footage limit`
- Low traffic flow businesses
- Promote mixed use; commercial with residential
- Promote small scale businesses that minimizes demands on infrastructure
- Allow businesses that protect and enhance the character of the district recognizing the historic nature and natural resources
- Building design which compliments/improves the area aesthetically
- Promote owner occupied businesses
- No strip malls.

Mr. Case, Windham resident, thinks that the main reason for a Neighborhood District was to have a business district that does not allow “box” stores. The Board should consider limiting the size of the business and the traffic situation.

Bob Young, Windham resident, explained that in order for a business to locate, they need to have a market; so the Board should leave it open enough for the business to develop a marketing plan. Businesses in the NBD should have goods and services that serve the local population and bring in people who would want to use the rail trail. Focusing on the rail trail part of town, Mr. Young hoped that businesses that choose to move to that part of town would complement the nature of the rail trail.

Mr. John Mangan, Depot Road, addressing the Depot area only, said there are 19 residential homes in the Depot area. He does not want to see a lot of commercial activity near his and his neighbors’ homes. He does not want to see transient business and increased activity that will change the reason the residents moved to that neighborhood. He wants to see the historic nature of this district preserved. He feels that the Neighborhood Business District should emphasize Neighborhood rather than Business.

Ms. Webber offered that a successful business will need to serve more than the 19 homes in the neighborhood. Mr. Mangan agreed; he's looking for a balance.

Robert Jacob Ellis of 130 Lowell Road cautioned the Board about changing the language of the purpose of the Neighborhood Business District so much that it now defines itself as Business Commercial A and B and the Gateway Districts. He thinks that Neighborhood Businesses start in the neighborhood as a home business; he does not want No. Lowell Rd to become like route 28. He wants to emphasize the word "Neighborhood."

Mr. Pat Nysten, Windham resident, agreed with Mr. Ellis in that by striking certain language the Board removes the distinction of the NBD from the other Commercial Districts. He suggested limiting the square footage of the business or some other language to maintain the distinction.

The Board discussed the distinction between NBD and the other Commercial Districts.

Mr. Jonathan Sycamore arrived at 8:15 p.m.

Vice-chair Crisler suggested looking at what the Town does allow in the NBD and suggested the Board consider if we want assembly halls in the NBD and consider removing some of the already accepted businesses.

Ms. Nysten suggested promoting small-scale businesses that minimize demands for new infrastructure. Ms. Scott mentioned that all the existing Town NBDs are on State roads.

Mr. Fallon suggested limiting the number of parking spaces. Vice-chair Crisler recommended setting a percentage of the NBD that can become a business and to think about the amount of light that is being added to the neighborhood. Ms. Scott said that everything in the NBD is supposed to be business and that residential is not an allowed use in the NBD without a variance. The only thing allowed is if there's an existing home and it's zoned around it. There are about 12 lots zoned NB in the Depot area.

Chairwoman Post posed the possibility of adding a provision under the NBD that allows mixed residential and business use in the same unit. Ms. Scott reminded the Board it is currently allowed as an accessory to the business. The Board asked if it can not only be allowed, but promoted by restructuring the purpose.

Ms Nysten recommended an objective to protect and enhance the character of the district recognizing its historic nature and natural resources of the Depot area.

Ms. Scott will draft the list of recommendations for a future meeting of the Board.

The Board continued, completed, and recapped their brainstorming on the NBD and was reminded by Vice-chair Crisler to bring any outside discussion about this issue back to the Board.

The Board moved on to brainstorm the Commercial A District. Chairwoman Post mentioned that every year citizens' petitions are submitted requesting changes to this area. Ms. Nysten asked that when citizens' petitions are presented, she would like to see the Board request a traffic and

environmental study to determine how the area will be impacted. Chairwoman Post explained that there is no mechanism in place for such a study. Ms. Scott said that the citizens' petitions automatically go on the ballot with or without Board recommendation. The petitioners can always have a traffic study done on their own.

A discussion ensued about the difference between motoring vs. transient public and destination businesses. Ms. Nysten suggested separating the Gateway District from Commercial A and B because it has a very different purpose. The Board discussed this suggestion and the purposes of the various Districts.

Mr. Sycamore asked about the land around route I-93 and what will happen to it when construction is finished. Ms. Scott said it is premature to guess what may happen; DOT itself is unsure what land they will keep or put on the market for sale. Ms. Scott suggested that it is sound to zone that area how the abutting land is zoned.

The Board continued with its discussion about the three districts and their zoning history.

Ms. Nysten who lives near the Gateway District would like to see an objective to create sufficient vegetative buffers or open space between commercial districts and incompatible uses including residential districts, historic properties, and natural resources to create a softer transition. Ms. Scott directed Ms. Nysten's attention to the current buffer regulation 605.3.3.

Mr. McLeod excused himself from the Board at 9:48 p.m.

The Board recapped their discussion with Ms. Scott who agreed to work on the language that would separate the Gateway District from Commercial A and B which would remain the same.

Planning Board Discussion Items:

Chairwoman Post offered a reality adjustment to the Board. Considering the heavy work load they already have on their plates, taking on additional, lengthy task, such as timber harvesting which requires lots of new data, research, and legal advice, would be unwise and overly ambitious.

The Board decided to focus on updating impact fees. Ms. Scott reminded them that impact fees cannot be addressed without the master plan from recreation and the schools. Chairwoman Post and Ms. Scott will work together to draft a letter to the School Board inquiring about the status of their master plan. Selectman Hohenberger will be copied. Ms. Scott suggested inviting Police, Fire and Recreation to the meeting as the capitol needs may have changed over the years.

The Board discussed further the Timber Harvesting issue. Ms. St. Laurent suggested that it is not a permitted use in the Town's commercial district, and timber cutting may be considered a site plan. In which case, they would need to come before the Board.

Mr. Carl Dubay suggested the Board get legal advice first; that people have an innate right to cut their trees on their property. It could be a waste of the Board's time and energy to pursue this.

Meeting Minutes – Review and Approve

Ms. Skinner motioned to accept the minutes of April 27, 2011 as amended. Ms. Webber seconded. Motion passed: 5-0-1. Mr. Fallon abstained.

May 18, 2011 minutes were held over until the next meeting.

Old/New Business:

Ms. Scott reminded the Board about the updates to their binders, the ADA Workshop on Wednesday 8th from 6-8, and the upcoming OEP Conference on the 11th.

Adjournment:

Ms. Skinner motioned to adjourn the meeting. Seconded by Ms. Webber. Motion passed 7-0.

Meeting adjourned at 10:33 p.m.

These minutes are respectfully submitted for your approval by Mimi Kolodziej.