



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

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**Planning Board Minutes**  
**October 5, 2011**

**Roll Call:**

Ruth-ellen Post, Chairwoman-Present	Ross McLeod, Selectman Member, Excused
Margaret Crisler, Vice-Chair-Present	Kathleen DiFruscia, Selectman Alternate, Excused
Pam Skinner, Member-Excused	Lee Maloney, Alternate-Excused
Kristi St. Laurent, Member-Present	Sy Wrenn, Alternate-Present
Carolyn Webber, Member-Present	Vanessa Nysten, Alternate-Present
Jonathan Sycamore, Member-Present	Rob Folan, Alternate-Present

**Staff:**

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

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

Chairwoman Post called the meeting to order at 7:03 pm followed by attendance and the Pledge of Allegiance.

Chairwoman Post appointed Mr. Wrenn to be seated for Ms. Skinner.

Chairwoman Post acknowledged the presence of Ms. Julie LeBranche, Senior Planner for the Rockingham Planning Commission.

**2012 Town Meeting Workshops:**

**Open Space Ordinance**

Ms. Wood explained that the ordinance is being modified from the 1998 version with the intent to preserve usable woodland and open space. Developers have thought it unfair to dedicate good, buildable land for open space; consequently, most of the open space includes wetlands, areas within the Wetland and Watershed Protection, and steep areas—essentially areas that are unbuildable in the first place. The current ordinance strives to make at least 50% of the land dedicated for open space to be usable. It could be used for trails, community gardens, or wildlife corridors.

Ms. Wood's packet to the Board included:

- The revised draft Open Space Subdivision Ordinance, and
- Written comments from Mr. Joe Maynard.

The Conservation Committee had no official comments and will discuss it at their 10/13 meeting; Mr. Zhodi of Herbert Associates and Karl Dubay from The Dubay Group will provide comments at a later date.

Questions/Comments from the Board included:

- Acknowledgement that wetlands, steep slopes, fragmented and odd shaped parcels are often not useful for recreation, trails, etc. The Board is looking for something that will benefit the Town, residents, and the abutting homeowners.
- Are these problems similar in other towns; Ms. LeBranche-a majority of communities have Conservation Subdivision Ordinances that require a minimum of the open space be upland area.

The Board walked through the draft changes offering comments and questions:

- Should the Ordinance be mandatory and what, if any, incentives should the Developers be offered.
- The definition of “Conservation Land” should be included in the Definitions Section
- The Town should define the size of the conservation land to prevent misunderstanding.
- How does the mandatory section compare to other towns; About ½ of other Town’s ordinances have density incentives; Some have invoked the ordinance when sensitive areas are involved.

### **Section 611.3**

- Clarify by breaking it up into 2 sentences and add punctuation.
- Discussion about whether to make it mandatory or permissive; A majority of the Board polled preferred to make it optional
- Ms. LeBranche suggested taking a percent of the buildable land and determine what percentage is to be Open Space
- Most other Ordinances have density incentives built into them
- There is not a lot of buildable land left in Town
- What would be the incentive to builders; Less costly-shorter roads.
- Discussion about the acreage to be allotted to Open space and whether to make this figure mandatory to developers
- The Board started with 15 acres and had lengthy discussion about needing more information, making the 15 acreage larger, and wanting to hear opinions from developers
- The “5 acre tract” will be kept for now while more opinions and information are collected
- Under “Tract” – The language needs to be clarified

### **Section 611.4 Procedures**

- The new language in Section 611.4.3 covers in more detail what was originally intended by including both site plan and subdivision approval in Section 611.4. Therefore, site plan approval in this Section can be dropped.
- The Town’s Site Plan Regulations state that it is to provide for Planning Board review and approval of all site plans for development of land other than for one or two family residential developments, except in open space residential developments
- So the Town’s site plan regulations are supposed to encompass the open space residential developments
- Staff to check site plan regulations for references to open space subdivision which will now be covered in a better new way

### **Section 611.4.3**

- The developer needs to lay out the subdivision before coming to the Planning Board
- This has been difficult to enforce in the past. The Developers have determined the number of houses, but not the actual, costly house layout with driveway plans
- Section 611.4.1 requires developers to present this plan, but is stated poorly
- Ms. LeBranche’s 4-step process requests that the developer come up with the number of developable lots at the preliminary review
- Ms. LeBranche said that the conventional “yield plan” should be determined in a mandatory or optional open space plan and that it provides the basis for the next step
- The Town’s original ordinance requires a traditional yield plan to be submitted with preliminary review application, but it is rarely seen
- The Purpose in the Site Plan Regulations should encompass open space residential development
- Under Step Two-Add language to encourage variable lot sizes, grouping of houses, and sharing driveways was considered
  
- The Board thought this draft was a good start; was moving in the right direction, and might need to consider the waiver process

- Ms. LeBranche said that in other towns, Open Space Subdivisions became more valuable with the value added amenities.
- Most developers add a ribbon or a 50 foot path of land around wetlands and streams
- Ms. LeBranche will put together some examples
- Open space will mean smaller house lots closer together with a less rural look
- This might be attractive to those buyers wanting a neighborhood feel. The Town has plenty of large house lots
- Successful Open Space subdivision has variable lot sizes, 3-4 acre estate lots, and minimum neighborhoods within the subdivision
- People want variety; not cookie cutter houses in rows
- The need for good, clear incentives for the developers as opposed to making it mandatory

Chairwoman Post opened the workshop to the Public. Hearing none, she closed the workshop.

The Board will wait for the revision and they reviewed Mr. Maynard's memo.

### **Commercial Kennel Ordinance**

Ms. Wood explained that this is a new ordinance and will allow the Town to regulate kennels. This draft is an update from the previous workshop and addressed the questions of fence height and climbing/digging dogs.

The MSPCA recommendations were:

- 6 foot chain link fences
- 2 Feet deep, or
- Wood paneled fencing
- Another option would be a cinder block base

Other changes were made to the draft based on recommendations from Ms. Belinda Sinclair owner of Woof Woof Professional Dog Services in Windham.

Board comments/questions included:

- Snakes as household pets will be ignored
- Chain link fencing should be optional
- Letting dogs out too early in the morning may disturb local neighbors

Ms. Belinda Sinclair addressed the Board:

- Dogs wanting to come inside her fence has occurred 1 time in 8 years; not a big problem
- Most dogs should be put out in the morning in waves, not all at once, about 8 am, so as not to disturb neighbors
- She explained the different styles of kenneling
- There is no State licensing required and no Health Dept. requirements to run a kennel
- Concern about a kennel being near a place of worship or another location with finger poking children
- This concern would be addressed at site plan application time and not in the ordinance
- Ms. Sinclair was approved for 40 dogs; it would be difficult to be financial feasible with fewer dogs
- There should be 60 sq feet per dog; this should be in the ordinance and it should refer to exclusively dog space, not office space
- Language in draft to be changed to 60 sq feet
- Discussion about the need for regulation to cover day care and long term care
- Digging is not a concern, if supervised
- Rocks could be put around the base of a fence to prevent digging
- Wood enclosed space vs. chain link; the wood enclosure contains smell
- Digging, climbing, and running away are overstated concerns

- Waste pick up should be done as it happens; waste removal should be done daily by removing it to a dumpster. Language in G-9 to be changed
- Possibility of having a non-chain link fence on abutters' side of property

Chairwoman Post opened the workshop to the Public.

Mr. Peter Schmidt asked why the Town would want an ordinance if other Towns don't have one; Ms. Wood explained that there have been 3 interested applicants for which there was no ordinance.

Chairwoman Post closed the Public Workshop.

Chairwoman Post explained that after the few questions are resolved, this ordinance is ready to go to Public vote in March.

Chairwoman Post granted a recess at 9:16 pm and called the meeting back to order at 9:23 pm.

### **Purpose sections of Non-residential Zoning Districts**

Ms. Scott noted that these are the last 3 non-residential zoning districts the Board wanted to look at; Limited Industrial, Village Center, and PB&T. She tried to simplify the language and expand it to capture uses allowed.

Questions/comments from the Board included:

#### Limited Industrial

- Would like to keep the scored language; Vice-Chair Crisler will rework the language "which are compatible with a low density, rural residential community."
- The Purpose will be edited to stop after the word "industries."

#### Village Center

- It was confirmed that the Village Center District does not include the "Village Center" but is around it. The "Village Center" is the Historic Center.
- There could be other Village Center Districts elsewhere in Town.
- A description that could be duplicated in other areas of Town by removing the reference to "Historic Center" vs. keeping the Village Center District around the Historic Center

Chairwoman Post opened discussion to the Public.

Ms. Betty Dunn suggested a 2-step process; 1.) Making changes to the Purpose Sections first; then 2.) Changing the zoning of the parcels. She thinks it may be a good idea for West Windham and the Depot area.

Chairwoman Post closed discussion to the Public.

- A poll was taken and the decision was made to leave the language as it is.

#### Professional, Business, and Technology District

Ms. Scott explained that this District is along route 28, route 111 and Wall Street, and Range Road.

- Distinction between light manufacturing and light industry was made.
- Some characteristics are: low traffic generator, allows manufacturing, merges light industry and Gateway transitional zones
- Delete corporate headquarters
- Change sentence 2 to read: "This District is intended to attract employment centers for Windham and surrounding communities featuring low traffic generating business and professional offices, research

and development facilities, light industry and complementary educational and recreational uses. The District is intended to be compatible and transitional with neighboring uses.”

Chairwoman Post opened discussion to the Public.

Mr. Pat Nysten lives near the PB&T District and objects to removing the “low traffic” reference. He would like “recreational use” to be clarified. Are bowling alleys and go-cart tracks allowed? Ms. Scott explained that these are not allowed uses. She explained that by recreational use, she was referring to rail trails and fitness clubs.

- The word adjoining is to be changed to “neighboring”
- The last sentence underscores the low traffic aspects of the PB&T and compatibility with neighboring districts.
- Place a period after the word “uses” and keep the last sentence.
- The Board will see this purpose one more time before Town Meeting.

Ms. Nysten was excused at 10:48 p.m.

#### Parking Ordinance

Ms. Scott explained that the major change is to delete Section 704.1.2 – Section 704.3.7 and move them into the Site Plan Regulations where there would be more flexibility for the Planning Board to amend. There are 3 pieces to this ordinance: Recreational Vehicles parked at homes; Company Vehicles parked at residences; and Parking regulations in general.

- Under 704.2.7 – 12 tons is the gross weight when the vehicle is loaded. Limiting the axels limits the type of vehicle.
- A Town forestry truck at 17,000 GVW would not qualify
- A Company truck should be screened from the abutters; the Ordinance is not trying to be burdensome and a truck parked next door is not offensive
- An 18-wheeler must apply for a variance
- Discussion about where to park your vehicle if you cannot park on the side of the house; where is it of the least impact without getting a variance; it would be subject to code enforcement
- The problem with Recreational Vehicles is that people inhabit them
- Would need to get a variance to park an RV on a vacant lot that was owned
- Section 704.2.5 change calendar year to “365 day calendar year.”

Chairwoman Post opened the Workshop to discussion. Hearing none, she closed the Workshop.

**Ms. St. Laurent motioned to continue to meeting past 10:30 pm; Mr. Wrenn seconded. Motion passed: 6-0.**

#### Yard Sales

- Delete Section 709.3.7
- Discussion about estate sales which run 2 weekends and are run by professionals
- Section 709.1 end the sentence after the word “meanings”; delete the rest of the sentence
- Under Yard Sales add neighborhood groups
- Section 709.3.1 change to “three (3) consecutive days”
- Section 709.3.6 change “concluding” to “ending”

#### Wall Signs

Ms. Scott explained that the Fire and Police support address wall signs which improve the location of buildings in emergencies. Address wall signs do not qualify as a traditionally thought of wall sign.

- Section 706.5.8 place “up to” in front of Eight

The Board moved the Review and Approval of Minutes to the October 19 meeting.

### **2012 Department Budget**

Ms. Scott wanted the Board to see the Department budget to provide them an opportunity to see what is going into the budget that might impact them. She continued to highlight the budget line items.

- Chairwoman Post requested that she add a color printer to her list

### **Next Meeting**

- Will be 10/19 at 6 pm
- 6-7:30 Design Review
- 7:30-8:30 WFH Presentation
- 8:30 CIP
- One Change of Use application

### **September Staff Reports**

Presentation of reports from the Planner and Community Development Director

### **Old/New Business**

- There are no new applications

**Ms. Webber motioned to adjourn the meeting. Seconded by Ms. St. Laurent. Motion passed: 6-0.**

Meeting adjourned at 11:17 pm.

These minutes are respectfully submitted by Mimi Kolodziej.