



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

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**Planning Board Approved Minutes**  
**March 7, 2012**

**Board Members:**

Ruth-Ellen Post, Chairwoman – Present	Carolyn Webber, Member - Present
Margaret Crisler, Vice-Chair, arrived 8:40	Ross McLeod, Selectman Member – Present
Pam Skinner, Member, Excused	Kristi St. Laurent, Member – Present
Kathleen DiFruscia, Selectman Alternate – Excused	Sy Wrennn, Alternate Member – Present
Jonathan Sycamore, Member – Present	Vanessa Nysten, Alternate Member, arrived 7:02
Lee Maloney, Alternate Member - Excused	

**Staff:**

Laura Scott – Community Development Director  
Elizabeth Wood – Community Planner  
Patricia Kovolyan – Department Secretary

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

Chairwoman Post called the March 7, 2012 meeting to order at 6:45 pm followed by attendance and the Pledge of Allegiance.

**Seat Alternates**

Chairwoman Post appointed Mr. Wrenn to replace Ms. Crisler until she arrived at 8:40 PM and Ms. Nysten was appointed to replace Ms. Skinner for this meeting.

**GIS Mapping – Discussion**

Chairwoman Post advised the Board that the following items would be discussed.

- Explanation of what data is used to create zoning maps.
- How the colors/depictions of zoning districts are decided.
- How parcels that have more than one zoning district should be depicted/described on the zoning map.
- Other mapping issues that may arise for discussion.

Ms. Post went on to say that the display of multi zone districts were an issue, and to some extent, the colors of different zones being distinct were an issue for some people.

Mr. Eric DeLong, It Director said that he has hundreds of colors to work with that are easy to distinguish when they are on the screen but when printed some of the distinction is lost. Mr. DeLong went on to say that initially he would allow the program to choose the color. He has avoided the use of primary colors in order to save ink. He will make sure that the colors are distinct and provide samples for the Board of the 2012 Zoning Map.

There are many different ways to identify the multi zoned parcels such as attaching letters or striped coloring. Mr. Sycamore asked if color rather than letters could be used to identify the multi zoned lots. Mr. DeLong said that the colors are not different enough; they start to blend.

Mr. McLeod joined the Board at 7:00 PM, Ms. Nysten joined the Board at 7:02 and Ms. St. Laurent joined the Board at 7:06PM.

Mr. DeLong showed the map that will be on display for the election.

Mr. Wrenn said that the colors used should be as easy as possible to differentiate. As far as multi zone is concerned, one color is fine, you only need to know that it is multi zone and then do whatever needs to be done regarding that parcel.

Mr. DeLong explained that he used a “Boiler Plate” disclaimer.

Ms. Nysten said that on the multi zone description some street names seemed to be missing. Sometimes just the lot number is listed.

Mr. DeLong said to let Elizabeth Wood know if there is a discrepancy so she could check the text.

Chairwoman Post asked the Board Members to give specific recommendations to Mr. DeLong for after the election when the multi zone lots warrant article will have been voted on and the Board will know where it stands with that article.

Ms. Webber suggested they (multi zoned lots) have their very own color to alert people that they are multi zoned and make the colors distinguishable from each other.

Mr. McLeod said it makes sense to do as Mr. DeLong and Mr. Wrenn suggested and not worry about adding things such as 500 foot setback lines that could change and be a constant source of trouble.

Ms. Nysten asked if the new ramp is shown on the map. Mr. DeLong said the ramp is depicted on the map.

Ms. St. Laurent said she agrees with keeping the multi-zoned parcels one consistent color.

Ms. Nysten questioned the location of the voting map during the election. Mr. DeLong said that the map would be displayed and voters would have to walk right past the map to get to the voting booths.

Chairwoman Post said that Mr. DeLong will give the final 2012 Zoning map samples to Ms. Wood and the Board can schedule a short session to take a look at the final version.

Ms. Wood said that she is clear on the fact that the Board wants a map with color distinctions, multi zone to be shown in one color but she was not clear if the Board wants the descriptive chart removed from the main map and put in as an appendix.

Mr. Wrenn said the map will be substantially reduced after the election so it would be ok to leave the descriptive chart on the map as a point of interest.

**Case 2012-4 Public Hearing , Minor Site Plan – Change of Use**

Applicant – Trenton Realty Trust

Location - 31 Lowell Road, Lot 21-D-106, Building C, Unit 8

Zone – Commercial A

The Applicant is proposing to change 650 square feet of area from storage/office space to a business to be used by an esthetician and diet therapist. The new business would accommodate 2-3 people at a time; this includes a maximum of one (1) client, one (1) business owner and one (1) person in the waiting room. No exterior alterations to the building are proposed. A wall sign and sign panel for the complex are proposed to advertise the business.

Mr. Wrenn read Case 2012-4 into the record.

**Mr. McLeod motioned and Mr. Wrenn seconded the motion to accept Case 2012-4 and open it for Public Hearing. Motion passed 7-0.**

Ms. Wood advised the Board that the applicant was in attendance. There is a formula that is used to determine if there is adequate parking on a site. Based on information provided, Ms. Wood was not able to determine if there was adequate parking; she would need the square footage of each business. Ms. Wood counted 57 parking spaces in the 2005 aerial photo she provided with the packet. The 2010 aerial photo, although more recent, does not depict the lot as clearly because it was taken during the summer months.

Ms. Webber asked if the amount of required parking spaces was determined when the complex was first built. Ms. Wood said that that the file is not complete and does not have parking information.

Dr. Anne Filler stated that she has been in the office park since 1987 and provided the square footage for all three buildings.

- Building A – 4988 square feet
- Building B - 2507 square feet
- Building C – 1868 square feet
- Total square footage for all three buildings is 9363

Dr. Filler provided photos and stated that one unit is not occupied and parking has not been an issue. The complex is being revamped with new signs and Dr. Filler showed an actual sign that will be used.

Mr. McLeod said that he and Ms. Webber were going over the parking calculations and it looks as if 38 parking spaces would be required. Since there are 60 spaces parking would not be an issue.

Ms Wood said that there are five items listed in the March 1, 2012 memo from Deputy Fire Chief William Martineau that will be addressed before the building permit is issued. Chairwoman Post read the five items into the record.

- 1) There will be no change to emergency vehicle access in or out of the property.
- 2) Existing Cistern located at Lowell & Westchester Roads meets existing requirements.
- 3) Existing access/egress configuration is compliant as outlined in NFPA 101, Life Safety Code, Chapter 39 (2009 Edition).
- 4) A knox box for Fire Department access shall be located on the Building.
- 5) Portable Fire Extinguishers shall be provided in every business occupancy.

Items one through 4 are complete; item 5 will be complete once the unit is occupied.

Number five, portable fire extinguishers, will be in every unit.

Chairwoman Post closed the public segment of the case.

**Ms, Webber motioned and Mr. Wrenn seconded the motion to approve the plan submitted with the following exceptions:**

- **Keys for all units to be placed in a knox box.**
- **Bring the issue of any remaining signage in front of the Planning Board at another time.**
- **Fire extinguishers must be in all units.**
- **Be sure new vinyl signs are consistent with old wood signs in size and color.**

**Motion passed 7-0**

### **Design Review Regulation Workshop**

Ms. Karen Fitzgerald of Fitz Design Inc, Francestown, NH reviewed the updated design regulations for the Gateway, Neighborhood Business and Professional Business and Technology districts with the Planning Board Members and WEDC members Bob Young and Ralph Valentine. Ms. Fitzgerald explained that she used Safety and Best Practices Guidelines and reviewed the changes that were made in the document for the Planning Board. The Board decided to go Section by Section to review the *shalls and shoulds* and decide if the language should remain as presented.

The following changes/corrections were made.

- Page 3, first paragraph change *fro* to *for*.
- Page 3, third paragraph second sentence remove the word *of* and replace it with the word *and*.
- Page 4, Sections 400.4.1, 400.4.2 and 400.4.3 will be a subset of Section 400.1.
- Page 4, List Section 400.5.4 under exemptions in scope. This Section would exempt an Applicant from the Design Review Regulations.
- Page 5, second paragraph second sentence remove from the parentheses *as stated in Section 605.3.2 of the Zoning Regulations* and replace it with *as allowed in the District in the Zoning Ordinance*.
- Page 5, Third paragraph, remove “*614.2 of the*” and replace it with “*this Zoning District in the Zoning Ordinance*”.

- Page 6, Section 502.4 first sentence change should to shall, remove the word *attractive*, remove the word *pedestrian* and replace it with the word *visual*.
- Page 6, Section 502.5, last sentence change should to shall.
- Page 6, Section 503.2.1 last sentence should read *Curb cuts should be shared by adjacent establishments and site planning shall include an intra-parcel circulation plan to accommodate the shared use of vehicular entrances and exits where possible.*
- Page 6, Section 502.3, add the words “*except when not feasible*” at the end.
- Page 7, Section 503.2.5 second sentence change should to shall and remove the phrase “*as necessary.*”
- Page 7, Section 503.2.7 remove the words *be located at the rear of buildings and* from the first sentence. In the second sentence remove the word *and* replace it with the word *or*.
- Page 7, Section 504.1 last sentence replace should with shall replace maximize with optimize.
- Page 7, Section 504.2.1 remove the words *in the front of buildings* and replace it with *between the building and the street*.
- Page 8, Section 504.2.10 remove the last sentence.
- Page 9, Section 505.2.3 first sentence add the letter *s* to the word building and remove the word *interior*.
- Page 9, Section 505.2.4 second sentence remove *are part of the development*. The sentence should read – *Where eating establishments have outdoor dining, dining patios and courtyards should be placed as to be visible from the street or pedestrian areas*.  
Page 9, Section 505.2.5 add the word *future* before the word *adjacent*.
- Page 10, Section 506.2.7 last sentence put a period after the word *landscaping* and remove the words *and oriented so it does not impede pedestrian*.
- Page 10, Section 506.2.8 last sentence change *plants to plant*.
- Page 12, Section 602.6 add the word *solely* after the word *used*.
- Page 13, Section 701, second paragraph last sentence remove the word *incorporate* and add the words *reflect and/or compliment* and add a period after the word *proportions*.  
Third paragraph, first sentence change should to shall and change *form to from*.
- Page 14, Delete Section 703.1
- Page 14, Section 703.4 Delete the first word in the first sentence *the*.
- Page 16, Continuation of Section 703.4 Delete the entire sentence that begins with *Natural* and ends with *areas*.
- Page 16, Section 703.5 Delete the words *at the front of the building*.
- Page 16, Delete Section 704.4.
- Page 16, Section 704.5 Delete the second sentence that begins with *In* and ends with *design*.
- Page 16, Section 704.7 should be as follows: Vegetative cover should be considered for flat roofs. Solar panels and other solar roofing technologies should be considered for integration into roof design. A two sentence paragraph will now have three sentences.

Ms. Fitzpatrick will take the edits and provide the document to staff for distribution prior to the April 4, 2012 meeting which is when the Board will continue reviewing the Design Regulations beginning with page 17 Section 705.

### **April 4, 2012 Agenda**

Ms. Scott discussed with the Board items that will be on the April 4, 2012 agenda.

### **Court Decision – Suncoast Properties**

Chairwoman Post advised the Board of a Superior Court decision in the Suncoast Properties vs. The Town of Windham matter in regard to Mr. LoChiatto's Work Force Housing application.

Ms. Scott said a copy of the decision was provided to all Planning Board Members but she did not give a copy of the non-public legal memo to Mr. McLeod or Mr. Sycamore because they recused themselves and it is not a public document. Staff left copies of the non-public memo on the meeting table this evening. Mr. McLeod said that he had already read the document. Chairwoman Post said Mr. Sycamore is a Board Member and not named in any suit, and she thought he should have a copy. The Chairwoman thought it was important information for Board members to have so that they could answer the Public's questions about the WFH Ordinance. Ms. Scott said that the Town Administrator agreed with her email and said that it was a prudent call not to give a copy to those who recused themselves. If the Board had had instructions from Town Counsel to that effect, the Board would have honored that. Chairwoman Post asked that copies of Attorney Campbell's letter be made available for Mr. McLeod and Mr. Sycamore. Mr. McLeod said he already had a copy that was laying around here. Mr. Sycamore said that he did not need a copy.

Vice-Chair Crisler noted that Selectman Phil LoChiatto should not receive a copy of Attorney Campbell's memorandum, since he was the Principle involved in the suit against the Town. Ms. Scott confirmed that Mr. LoChiatto did not receive a copy, but that Mr. Breton, Mr. Hohenberger, and Ms. DiFruscia did receive copies.

Chairwoman Post was asked by the Board members to summarize the Superior Court's opinion for the Public and viewers. Chairwoman Post went on to say that all decisions of all Boards were upheld; nevertheless, the Court granted a limited Builder's Remedy, because of a lack of a Work Force Housing Ordinance in Town. This reinforced the need for a Work Force Housing Ordinance.

### **Adjournment**

**Ms. Webber motioned and Mr. McLeod seconded the motion to adjourn. Motion passed 7-0.** The meeting adjourned at 11:15pm.

The next meeting of the Planning Board is scheduled for April 4, 2012 at 7:00 PM in the Community Development Office.

These minutes are in draft form and are respectfully submitted for approval by Patricia Kovolyan.